

The London School of Economics and Political Science

**Tall building policy making and implementation
in central London: Visual impacts on regionally
protected views from 2000 to 2008**

J u e r g e n K u f n e r

Volume 1: Thesis text

**A thesis submitted to the Department of Sociology,
Cities Programme of the London School of Economics for the degree of
Doctor of Philosophy, London, August 2011**

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27/07/2011

Date

Abstract

This thesis considers the processes of policy making and implementation of tall building development, as well as the management of visual impacts on regionally protected views in particular, in central London between 2000 and 2008, from the initiation of the Greater London Authority to the end of Ken Livingstone's era as Mayor of London. During this eight year period, more than forty tall building projects were processed through the planning system. Regional and local planning authorities, private developers and heritage groups have diverse interests in tall building planning and hence conflicts result regarding policy and implementation processes. The case study of No.1 Blackfriars Road—part of an emerging cluster of tall buildings at Blackfriars Bridge, Southwark—provides a useful exemplar. It is not located in an area that was designated as appropriate for tall buildings and is situated close to central London's historic monuments and conservation areas.

I will argue that while a high degree of design quality in tall buildings has been achieved, a severe lack of conflict resolution has led to an upward spiralling of antagonistic interactions, uncertainty and the prolongation of the planning process. Moreover, emerging regional and local policy has strengthened the position of tall building supporters while gradually marginalising opposing heritage groups. Nor has planning policy and assessment methods provided a clear enough basis for decision making. The resulting ambiguity has been exploited by opposing camps which arrive at divergent conclusions regarding tall building projects. Furthermore, the involvement of private sector experts in governmental processes has led to perceptions by heritage groups of conflicts of interest. The thesis concludes by summarising the key aspects identified with regard to the translation of the urban renaissance agenda into tall building policies, the effectiveness of implementing these policies, and the impacts of planning processes on visual impact assessments.

Acknowledgements

First and foremost, I would like to express my gratitude to my supervisor Bob Tavernor. He has been an invaluable source of constructive challenges to the arguments that are at the core of the thesis. If, as I hope, the final results of this thesis contribute to improving the practice as well as the academic discourse regarding tall building planning, then much of this is owed to Bob's intelligent advice.

A list of generous and helpful colleagues and friends must include Hans Steinmuller, Roxana Bratu, Olivia Munoz-Rojas Oscarsson, Jesse Potter, Suzi Hall, Robin J. H. Kim, Gunter Gassner, Torsten Schroeder, Karolin Kramheller and Marnie Lockwood. I have benefited from their generosity in providing constructive feedback.

Doing a PhD, as is known to everybody who has ever done it, is an extreme challenge in terms of learning new skills and persistence. For their continuous encouragement I would like to thank my family, Maria Kronfeldner, Manuel Wastl, Pavel Zverina and my friends and colleagues from the Bavarian ensembles of just intonation music.

I am greatly indebted to all of the tall building experts who kindly agreed to be interviewed, as well as those who provided me with otherwise inaccessible documents. A PhD research like this, which depends on access to a wide range of data, owes much to these people who gave up a part of their valuable time.

Financially, this PhD study has been supported through a Doctoral Award granted by the Arts and Humanities Research Council (AHRC), as well as two LSE Research Studentships. Furthermore, the largest part of my living costs during the studies has been provided by private lenders. I am grateful for the confidence those people have placed in me and hope to be able to live up to their expectations.

Finally, I would like to dedicate this PhD to the memory of David Frisby who has left us far too early, but who remains close to our hearts. Most crucially, in my heart I remember David as a person with the most fantastic humour and an unlimited level of generosity. The lessons for life learned from him can not be weighed up with any amount of gold in this world.

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Glossary of Abbreviations

AVR	Accurate Visual Representation
BCA	Background Consultation Area
BDAL	Backdrop Advisory Line
BDCA	Backdrop Consultation Area
CABE	Commission for Architecture and the Built Environment
CGI	Computer generated image
CSCB	Coin Street Community Builders
DCLG	Department for Communities and Local Government
DCMS	Department for Culture Media and Sport
DETR	Department of the Environment, Transport and the Regions
DRP	(CABE) Design Review Panel
EAC	Environmental Audit Committee
EIA	Environmental Impact Assessment
EiP	Examination in Public
FALP	Draft Further Alterations to the London Plan
GLA	Greater London Authority
GLC	Greater London Council
GOL	Government Office for London
GOTB	Guidance on Tall Buildings
LAC	London Advisory Committee
LB	Local borough
LBAA	Landmark Background Assessment Area
LLAA	Landmark Lateral Assessment Area
LDF	Local Development Framework
LPA	Local planning authority
LVMF	London View Management Framework
NPPF	National Planning Policy Framework
ODPM	Office of the Deputy Prime Minister
OPSI	Office for Public Sector Information
PASC	Public Administration Select Committee
PINS	Planning Inspectorate
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
RTPI	Royal Town Planning Institute

RPA	Regional planning authority
RPG3A	Regional Planning Guidance 3: Annex A
RRP	Richard Rogers Partnership
S106	Section 106 of the 1990 Town and Country Planning Act
SPG	Supplementary Policy Guidance
QVA	Qualitative Visual Assessment
UDP	Unitary Development Plan
UNESCO	United Nations Educational Scientific and Cultural Organisation
VVM	Verified Visual Montage
WCC	Westminster City Council
WCDG	Waterloo Community Development Group
WHC	(UNESCO) World Heritage Committee
WHS	World Heritage Site
WSCA	Wider Setting Consultation Area

1. Introduction

When considering planning processes for tall buildings, it is crucial to note that London occupies a distinct position in regulating tall building development amongst major world cities. In London, the visual impact of tall buildings on heritage assets of international and national significance generates the greatest amount of controversy. London has been described as one of four alpha world cities: a centre of global businesses (Beaverstock et al 1999; Sassen 1991).¹ Like the other major world cities of New York, Tokyo and Paris, London seeks to attract visitors, workers and economic investment from around the globe and global businesses often want to represent their corporate image through tall buildings (House of Commons 2002). Although tall buildings have been built in London since the 1960s and 70s, the capital's visual image is still represented to a significant degree by its significant historic remains, which include urban conservation areas, historic parks and monuments, and four World Heritage Sites designated by UNESCO (ibid.). However, between 2000 and 2008 London witnessed a significant tall building boom, particularly in the central area.

This boom was possible because the new Mayor of London, Ken Livingstone, was a strong supporter of tall buildings which he considered to be vital for London economically as well as aesthetically (GLA 2001b), and he had the authority to encourage them. The new Labour government, which came into power in 1997, established a new regional government for London, the Greater London Authority (GLA), which Livingstone was elected to lead as mayor. GLA was charged with producing regional policy to determine London's approach to planning (OPSI 1999). This major change to London's governance was preceded by the influential report of the Urban Task Force that advocated an urban renaissance (Urban Task Force 1999). Centrally, this report introduced a strong focus on the quality of architectural and urban design as well as a spatial approach to planning, aimed at revitalising the centres of cities (Cullingworth and Nadin 2006; Allmendinger 2011). From 1999 onwards, and under Livingstone's leadership, London sought to establish and confirm its world city status by enhancing its visual image based on the central goal of achieving the highest quality of architecture and urban design.

¹ Sassen considered only New York, Tokyo and London.

In contrast to London where the regulation of the visual impact of tall buildings is based on policies of design quality, the other world cities mainly use geometric means of regulation. New York and Tokyo regulate building height via zoning and setback regulations. Geometric definitions of setbacks are aimed at ensuring that tall buildings do not block the light and air required by neighbouring buildings and the streetscape (Weiss 1992). New York's Department of City Planning determines Special Purpose Districts within which high floor area ratios are permitted and thus tall building development is possible (New York Department of City Planning 2010). Similarly in Tokyo, zoning law and setback specifications regulate the height and form of tall building development (Tokyo Metropolitan Government 2010). In these two world cities, the visual impact of tall buildings is not controversial in planning terms.

Paris represents an example of where there is very strong protection of the visual significance of its heritage. In order to conserve its historic townscape, Paris defines strict height thresholds through the Plan des Hauteurs within which no building can be higher than thirty-seven metres, thereby prohibiting the development of tall buildings in the city centre (Mairie de Paris 2010a; b). As a result, tall building development is confined to the area of La Défense outside of the historic city (Gordon 1999; Short 2007; Tavernor 2007a). In London, the visual impact of tall buildings is also a sensitive issue. However, regulation is geared towards promoting development, and tall buildings are encouraged in locations defined by the London Plan and related tall building guidance. Only ten view corridors have been defined geometrically since 1991 within which tall buildings are not permitted (GOL 1998; Nicolaou 2004; Tavernor 2004a). Appropriate locations for tall buildings were not defined prior to 2000 which has led to significant amounts of uncertainty about the appropriateness of tall buildings in central London (House of Commons 2002).

Central London, where a large number of tall buildings have been proposed since 1999, contains some of England's most precious heritage assets. Assessments by governmental agencies have concluded that tall buildings built since the 1960s have often been of poor architectural quality, are located in inappropriate places, and consequently have negative visual impacts on London's heritage assets (Parker and Catchpole 1984; LPAC 1998; RFAC 1998; House of Commons 2002). As a result, governmental agencies at national, regional and local levels reformed the planning system and produced strategic policy and guidance that seeks to regulate tall building design so as to significantly

increase the quality of development projects and protect heritage assets. Based on the national planning agenda of an urban renaissance, the London Plan produced by the GLA placed the spatial approach to planning at its centre, thus strongly encouraging the highest quality of design (GLA 2004a). The importance of producing design of the highest quality was reaffirmed by Planning Policy Statement 1 (PPS1) in 2005 (ODPM 2005c).

Despite these efforts, a number of factors give rise to doubts about the effectiveness of tall building policies and related implementation processes. Instead of achieving greater certainty, resolving the conflicting interests involved and speeding up the decision making processes, tall building planning has resulted in problems that allow the questioning of the effectiveness of relevant policy and guidance. Eleven out of forty-four tall building projects proposed in central London have not been decided at local level but have been called in by the Secretary of State to be decided at a public inquiry. The consistent, major reason for call-ins has been their visual impact on significant heritage assets. Public inquiries for tall buildings can extend by one or two years the application process before a final decision is reached by the Secretary of State (see appendix 6). This is a serious delay for developers, for whom the viability of a project depends on timely financial returns. Also, millions of pounds of public and private money have been spent on these public inquiries on professional and legal fees.

There is no agreement as to a remedy to this dilemma. While some parties argue for precise determinations of tall building locations within local area-led master plans, others are opposed to this approach and fear overregulation (House of Commons 2002). Furthermore, the planning processes of tall buildings have led to conflicts between the Secretary of State and the government's advisory bodies, CABE and English Heritage, as well as between regional and local levels of government (ibid.). Conflict of interest allegations and accusations of secret decision making at regional level have led to governmental inquiries that put in doubt the credibility of their advisors (Greater London Assembly 2002; House of Commons 2005). Nationally, the government was humiliated when UNESCO criticised the outcomes of the system and the resulting visual impact of tall buildings on World Heritage Sites in 2007 (DCMS 2007b). Thus, despite strict planning policy and guidance, the recent reforms to the planning system have not resolved the problems of prolonged planning processes, uncertainty, and the conflicts when considering tall building planning applications.

This thesis considers a particular subset of planning research: the management of visual impacts of tall buildings on urban heritage assets in central London. The case of the tall building project of No.1 Blackfriars Road will be used as the primary case study. In relation to the case study, the essential policies and the precedent cases that have had significant impacts on the planning process will be examined. Particular focus will lie on the interplay between private developers, consultants, planning authorities and third parties in these planning processes. It will be demonstrated how the management of visual impacts is interdependently related to considerations of design quality, locations of tall buildings, expected financial returns and planning obligations, as well as issues of certainty, speed of decision making, influence, inclusion, credibility, expertise and objectivity in planning. In order to investigate these issues, I will consider the following research questions:

How was the agenda of urban renaissance translated into tall building policy, in particular with regard to regulating any visual impact on heritage assets?

How effectively has the planning system been implemented with regard to tall building projects in central London?

What impact did the planning process have on visual impact assessments in London from 2000 to 2008?

Based on the case study, the thesis seeks to develop a frame of key issues for further research on the management of visual impacts on urban heritage assets. Chapter 2 considers the processes of policy making of the London Plan, from the initial stages from 2001 to 2006, and pre-application discussions with the GLA. The drafting of the London View Management Framework (LVMF) and the supplementary guidance to the London Plan regulating visual impact are examined in chapter three. The processes of consultation and assessment with the governmental advisors—formally termed non-departmental governmental bodies (but often referred to as quangos)—CABE and English Heritage and their main tall building policy, the Guidance on Tall Buildings (GOTB), are considered in chapter four. Chapter five looks at the local policy making, consultation and decision making of the London Borough of Southwark, within which the case study of No.1 Blackfriars Road is located, as well as the impact of UNESCO as an external force. Chapter six discusses the public inquiry process regarding the No.1

and 20 Blackfriars Road projects, both of which were scrutinised within a joint public inquiry, alongside the Doon Street public inquiry which is located on a site nearby in adjacent Lambeth.

While chapters two to six each focus on one specific process of policy making and implementation, chapter seven seeks to draw on the results of these chapters and discusses the most significant key patterns in relation to the effectiveness of the tall building planning process. These key patterns are: Conflict resolution, visual impact assessment, credibility and the impact of private sector expertise on the work of governmental organisations. Finally, chapter eight will explicitly address each of the three research questions raised in this introduction. It will reiterate the major factors in translating the urban renaissance agenda into tall building policy. The most important aspects regarding the effectiveness of implementing these policies in central London will be summarised, and the impacts of planning processes on visual impact assessments will be discussed. The next section considers the rise of tall building development in London and the new planning system in place during the Labour administration. Furthermore, the problems of this system identified by academic literature and governmental reports are discussed.

1.1 Tall building planning in central London

This section discusses the recent history of tall building planning in London and provides the background to understanding the context of the principal case study. The major changes in governmental institutions are introduced alongside the findings of research by academics and that commissioned by the UK government and quangos. At the same time, the major governmental and private organisations involved in tall building development are introduced and their roles within tall building planning are discussed. Appendix 1, which provides brief descriptions of the most relevant organisations, can be used throughout the thesis. This section also shows the results of existing research regarding tall building planning and visual impacts in central London. Section 1.2 following this section then considers the case study of No.1 Blackfriars Road in relation to tall building projects. Section 1.3 discusses the methods used to conduct this thesis.

The emergence of a boom in tall buildings in London

Prior to 1986 the Greater London Council (GLC), led by Mayor Ken Livingstone, acted as a stronghold against tall building development in central London (Simon 1996). Livingstone was originally a politically independent politician who sought to constrain tall building development and thus conserve the historic skyline (*ibid.*). After the Thatcher government disbanded the previous regional administration, the GLC, in 1986, deregulation of development opened up London for what were deemed 'speculative ventures' (Travers 2004; Fainstein 2001: 39). Prime Minister Margaret Thatcher's big bang agenda brought with it the deregulation of the planning system (Cullingworth and Nadin 2006). The philosophical foundation for planning under the Thatcher administration was the belief that only the market can deal with the complexity of planning, and therefore all planning decisions made should be based on market principles (Thornley 1991). In addition, the establishment of the London Docklands Development Corporation (LDDC) to redevelop the abandoned docks to the east of central London changed the relationships between the London boroughs and private developments from an adversarial to a partnership approach (Travers 2004). This was a major factor that permitted the establishment of an Enterprise Zone at the Isle of Dogs in Canary Wharf in 1982 (Fainstein 2001).

Essentially, planning powers previously held by local planning authorities were shifted to the owners of the Enterprise Zone (Thornley 1991). Within the boundaries of the Enterprise Zone, development did not have to conform to most planning regulations and firms were allowed to deduct 100% of their expenditures on construction from their income taxes (Fainstein 2001). Furthermore, American style tall buildings with large floor plates for traders, which were favoured by emerging potential occupants, were encouraged (Hebbert 1998). Between 1989 and 2009, a number of banks, law firms and media centres located to tall buildings at Canary Wharf in preference to central London (Gordon 2001). Canary Wharf is not subject to investigation in this thesis because it is not located in the central area, and because the special regulations of an Enterprise Zone that apply there are no longer in force.

In 1998, with the advent of the Blair administration, Deputy Prime Minister John Prescott—Secretary of State for the Department of the Environment, Transport and the Regions (DETR)—commissioned a think tank called the Urban Task Force chaired by the internationally renowned architect Richard Rogers—Lord Rogers of Riverside—to lead a group of urban experts to carry out research into causes of urban decline and recommend practical solutions to generate an urban renaissance (Albers 2001).² The influential report that resulted, *Towards an Urban Renaissance*, encouraged the densification of central urban areas. It proposed that appropriately located tall building development is one way of fulfilling this aim (Urban Task Force 1999). The general thrust of this document is that people should be attracted to move back into city centres so as to revitalise urban living. As the key requirement to achieve this re-urbanisation, the report lays out the ambitious vision of a 'compact and well-connected city' (ibid.: 54). The major spatial innovation of this vision is the densification of the built environment around key transportation nodes. The hypothesis is that if the density of development around transport nodes is increased then public transport becomes affordable. Crucially, the key diagram used to visualise the spatial impact of densification suggests that an increase in density around transportation nodes might be achieved by an increase in height of the built environment, but it is not specified that tall buildings are the best way of achieving these ends. Indeed, more traditional urban blocks are illustrated by the Urban Task Force as also providing high density development (ibid). The significance of quality of design had been formalised through

² Richard Rogers received his peerage in August 1996 (House of Lords 2008).

the Planning Policy Guidance 1 (PPG1) under the auspices of John Gummer, the then Secretary of State (Department of Environment 1997; Cullingworth and Nadin 2006).

A proposal for a very tall building in the City of London signalled the emergence of a tall building boom in central London. On 10 April 1992, the IRA detonated a bomb in the City that severely damaged the Baltic Exchange (Short 2004). In 1996, the development company, Trafalgar House, submitted plans to propose the tallest building in London and Europe, the Millennium Tower 386 metre high, designed by the internationally renowned architectural firm, Foster and Partners, to replace the damaged Baltic Exchange at the location on 30 St Mary Axe. Due to strong objections from English Heritage and SAVE Britain's Heritage, the proposed building was redesigned and reduced in height to 179.80 metres. 30 St Mary Axe was granted planning permission by the City of London in 2000 (ibid.).

The Greater London Authority and the London Plan

In 2000, under the 1999 Greater London Authority Act, the Greater London Authority (GLA) was established and became the planning authority for the London region (GLA 2004a). Ken Livingstone—Mayor of London from 2000 to 2008 and the elected leader of the GLA—was in favour of tall building developments which he considered to be a central part of a world city vision for London (GLA 2001c). Ken Livingstone also regarded tall buildings in the centre of London as visual symbols for a modern world city and announced that he would promote them wherever they create attractive landmarks, help to provide a coherent location for economic clusters and where they act as a catalyst for regeneration, provided that they are acceptable in terms of the design and impact on their surroundings (GLA 2001c). In economic terms, tall building development in central areas is attractive for property developers because it can yield very high financial returns (Charney 2007) and because there is good demand as global businesses want to represent their global image through tall buildings (House of Commons 2002). However, the corporate outlay and financial risk is high, so that tall buildings are only usually considered in relatively stable financial times (Colin Buchanan and Partners 2008; Böhm-Ott 2000).

Assessments by quangos and the House of Commons confirm that tall buildings built in the 1970s and 1990s had negative impacts on the immediate setting and on the city skyline as a whole. As a result, it was recommended that good architectural and urban

design of tall buildings is of paramount importance and that LPAs should clearly designate areas in which tall buildings are appropriate so that they appear to cluster in a controlled area instead of being pepper potted across the city (RFAC 1963; LPAC 1998; LPAC 1999; House of Commons 2002). Tavernor and Nicolaou argued that the London Plan contains advice on how tall building locations are to be determined, but that it does not define these in detail (Nicolaou 2004; Tavernor 2007b). Indeed, some local authorities, such as the City of London, purposefully resisted attempts to define the extent of tall building locations, as is evident in the public inquiry documents regarding the Heron Tower from 2002 (PINS 2002a).³ The thesis considers how tall building areas have been defined in the London Plan and—in relation to the specific case study of No.1 Blackfriars Road—the LB Southwark policy making processes. The identification of areas designated for tall building development within policy carries significant importance for implementation making processes. According to the 1990 Town and Country Planning Act, the decisions made by regional and local planning authorities—in this case the GLA and the LB Southwark—must be based on policy (OPSI 1990a). Therefore, an investigation of the determination of tall building areas exposes the struggle for tall building development and the resistance by heritage groups and opposing local boroughs. Furthermore, the meaning of the more or less precise determination of tall building areas for decision making and public inquiry processes is revealed.

It is widely recognised that various iterations of Mayor Livingstone's London Plan actively sought to promote tall building development (McNeill 2002b; Tavernor 2004a and 2004b). This approach is enshrined in the finalised 2004 publication of the London Plan (Tavernor 2007a and 2007b; Charney 2007). On the one hand, it is argued that Livingstone's support of tall buildings was due to the social and financial benefits to London, and in particular the shortage of affordable housing which developers of tall buildings should provide through S106 agreements (Ross 2001; Thornley et al 2005; Gordon 2003; McNeill 2002a). Section 106 of the 1990 Town and Country Planning Act determines that negative impacts of development should be mitigated through obligations provided by the developer (OPSI 1990a). In London, the early stages of the

³ Indeed it appears that the lack of a precise determination of tall building locations is a phenomenon appearing across many English cities. According to Short (2007), planning policies in Liverpool indicate locations of clusters but do not define exact extents of appropriate areas. Planning documents for Manchester and Newcastle do not specify tall building locations but rather include general statements that define appropriate locations qualitatively (ibid.). Only Birmingham specifies exact locations appropriate for tall buildings (ibid.).

planning process and at the planning application submission stage, the nature and extent of these obligations were to be negotiated and agreed between the developer, the GLA and the LPA.

The GLA is heavily dependent financially on national government due to the very limited budget available to it to provide important infrastructure (Travers 2004; Gordon 2003). As a result, it has been argued that Mayor Livingstone sought to obtain the means to provide affordable housing and infrastructure improvements through S106 agreements from developers in response to his support of tall building developments (Ross 2001). On the other hand, Livingstone sought to transform London into a city that displays its world city status visually through tall buildings (House of Commons 2002; Tavernor 2007a; McNeill 2002b; Buck 2002 et al). Since the early 1990s, the LPAC and the Department of Environment— under then Secretary of State John Gummer— had put forward reports that emphasised the importance of London's world city status (Travers 2004). Yet given Livingstone's previous reputation as a socialist politician, the elitist world city focus of London has been described as rather surprising (Travers and Gordon 2010). The thesis extends this debate by focussing on the effects that the strong advocacy of tall buildings has had on policy making and implementation processes. In this regard, key wording in relevant policy and guidance, the London Plan and the LVMF, are analysed in depth.

Principally, Lord Rogers as chief architectural advisor to Ken Livingstone was charged with bringing the vision of an urban renaissance into the regional planning of the GLA and the London Plan. Since 2000, when Livingstone became the GLA's first mayor, London's development has been regulated through regional policy—the London Plan (GLA 2004a)—which encourages tall building development through a set of tall building policies. In *Towards the London Plan* (GLA 2001 c)—the precursor to the draft London Plan (GLA 2002a)—Livingstone defined for the first time his official vision for London as a world city. This document states that the future development of London is to be based on three fundamental principles: i) strong and diverse economic growth; ii) social inclusion; and, iii) fundamental improvements in environmental management and the use of resources (ibid.). In the draft London Plan, these principles were incorporated into London Plan policies 4B.1 to 4B.12, regulating the design and location of tall buildings (ibid.). The finalised London Plan (GLA 2004a) incorporated the belief that

good design leads to social and economic wellbeing as advocated in the Urban Task Force Report.⁴

The first sentence of the London Plan's policies on the issue of design is: 'Good design is central to all the objectives of this plan' (GLA 2004a: 173). Charney (2007) argued that Lord Rogers and Mayor Livingstone fiercely defended the quality of architecture agenda so as to support tall building development in London. On the other hand, Tavernor (2004a; 2007b) put forth the argument that the quality of architecture agenda had already been formulated by the conservative administration within the Planning Policy Guidance 1 (PPG1). Tavernor's reasoning suggests that the London Plan simply extended the approach formulated in the PPG1. While the 1991 Planning and Compulsory Purchase Act demanded that regional and local planning authorities formulate policy based on national policy, it also allowed for discretion in adapting national policy on the regional and local levels (OPSI 1991).

The thesis evaluates how the GLA enshrined the national agenda of encouraging good architectural and urban design in the London Plan so as to support tall building development. It has been established that the private sector had privileged access to the setting of the London Plan policies through the London Development Agency (LDA) and through developers who had confidential meetings with leading GLA officials (Travers 2004; Thornley et al 2005). Furthermore, accusations of client politics have been raised, including the argument that prominent architects such as Richard Rogers and Norman Foster were treated favourably by the GLA (McNeill 2002b; Charney 2007). Contrary to this, it has been argued that the high degree of credibility and experience of these architects was critical for enshrining the national planning agenda of high design quality in the London Plan (Tavernor 2004a; Polina 2007). The thesis analyses the interaction of members of private developers' design teams with GLA officials in implementation processes. Furthermore, the impact of agreements between the GLA and private developers that were achieved within pre-application discussions on emerging policy is analysed in depth. In a number of cases, the GLA agreed to support tall building projects within pre-application processes. The thesis discusses the impact of these agreements on the processes of the London Plan policy making.

⁴ The London Plan was subsequently amended by the new mayor, Boris Johnson (GLA 2009).

Furthermore, it has been argued that the private sector had privileged access to the London Plan policy making process either directly through having access to the mayor and leading officers (Gordon 2003; Thornley et al 2002) or indirectly through the LDA (Travers 2004; Thornley et al 2005). As a result, these academics have argued that the big tent approach advocated by the GLA failed because the privileged access provided to private businesses excluded other groups from influencing regional policy making to an equal extent. The thesis focuses on implementation processes of development control, and in particular on pre-application discussions and processes of assessment within the GLA and also at the LB Southwark. Interviews with GLA and LB Southwark planning officers responsible for the No.1 Blackfriars Road project are critically compared to interviews with design team members such as architects and planning consultants in order to establish what the critical path for the design team was for assuring agreement with the GLA and the LB Southwark. Furthermore, the impact of agreements achieved in early pre-application discussions on the further drafting of the London Plan and the London View Management Framework (LVMF) is examined in detail.

The LVMF and visual impact assessments

Since the beginning of the recent revival of tall building proposals, conflicts about the visual impacts of tall buildings have emerged. In the mid 1980s, researchers from the London Research Centre recommended a set of fifty views to provide special protection of the Palace of Westminster and St Paul's Cathedral (Catchpole 1987). As there was no regional government at the time, national government limited this ambitious approach to a set of ten views. These were protected through the Regional Planning Guidance 3: Annex A (RPG3A) published in 1998, but they had been in use informally since 1991 in order to prevent the visual intrusion of tall buildings on these nationally important historic symbols (GOL 1998). With the advent of the tall building boom around 2000 the debate about the protection of views arose again and the London Planning Advisory Committee (LPAC) recommended the protection of twenty-nine views (LPAC 1998). LPAC was a body established after the abolition of the Greater London Council and charged with advising national government on the development of London's regional policy (Cullingworth and Nadin 2006).

Regarding the geometric protection measures of the LVMF, it has been argued that lobbying successes by prominent developers resulted in a narrowing of several of the

ten geometrically protected view corridors in the finalised 2007 version of the LVMF (Markham 2008; Kufner 2009).⁵ Furthermore, it has been argued that specific visual assessment methods advocated by the LVMF allowed for tall building development in the background of geometric view corridors (Craggs 2007; Markham 2008; Kufner 2009). The thesis considers in detail the drafting of the LVMF guidance including the development of the 2005 draft LVMF, the consultation process with stakeholders and the development of the 2007 LVMF. Amendments made to geometrically defined view corridors are assessed based on discussions of the wording of key paragraphs and interviews with the experts who wrote them.

In addition to these geometric measures, the Qualitative Visual Assessment (QVA) is also regulated via policy and guidance. At national level, views from within and towards conservation areas are protected through the national Planning Policy Guidance 15 (PPG15)—in force from 1994 until 2010—which sets out a wider set of rules for planning and regulating the setting of historic buildings and the subsequent impact of modern buildings—of which tall buildings have the greatest impact on the historic environment (Department of the Environment 1994).⁶ Crucially, the PPG15 introduced the terminology that a development should preserve and enhance the settings of significant heritage assets. With the establishment of the GLA in 2000, the new regional government was charged with developing specific London guidance—the Supplementary Planning Guidance (SPG) as part of the London Plan—to update methods of visual protection. This SPG is the London View Management Framework (LVMF).⁷

It has been argued that computer generated images (CGIs) also known as Accurate Visual Representations (AVRs) in the LVMF, cause problems for the visual assessments because they do not represent human visual perception accurately (Tavernor 2007a; Nicolaou 2004). AVRs are two-dimensional images within which

⁵ The view corridors have been widened again in the first revision, the July 2010 draft of the London View Management Framework (LVMF) published under the new mayor, Boris Johnson (GLA 2009).

⁶ The PPG15 was effective until 2009 and was replaced in 2010 with the Planning Policy Statement 15: Planning for the Historic Environment (PPS15) (DCLG 2010).

⁷ Supplementary guidance documents relating to the London Plan focussing specifically on the matter of tall buildings and views were published in the following order:

Interim strategic planning guidance on tall buildings, strategic views and the skyline in London (GLA 2001b); London Plan: London View Management Framework draft SPG (GLA 2005a); London View Management Framework: The London Plan Supplementary Planning Guidance (GLA 2007b). Recently a revised version of the LVMF was published by the new mayor, Boris Johnson, in July 2010 (GLA 2010a).

photorealistic representations of proposed projects are inserted in photographs (GLA 2007b). Furthermore, it is argued that there is the potential for subjective decision making by the producers of AVRs involved which might lead to the downplaying of negative visual effects (Carmona et al 2010; Bosselman 1998; Day 2002; Stewart 2003). The alternative use of serial images has been questioned because the assessments differ with regard to each individual image (Tavernor and Gassner 2010). The thesis considers the appropriateness of the QVA method for assessing tall building developments as defined in the consecutive drafts and finalised version of the LVMF. Furthermore, an assessment of the background of views is discussed using the example of the St James's Park townscape view from Horse Guards Road within which the No.1 Blackfriars Road case study is visible. The terminology used in the QVA is assessed regarding its suitability for reaching objective conclusions within expert assessments. An important part of this discussion are key paragraphs of the draft 2005 LVMF and the finalised 2007 LVMF, interviews with the expert consultants who wrote these paragraphs and interviews with experts who have used the LVMF in the production of townscape assessments and within expert panel assessments.

The roles of the quangos: English Heritage and CABE

Despite such strict policy regulation, a large number of tall buildings have been proposed in the central area of London, and many have been granted planning permission—in particular in the City of London, Canary Wharf and the northern parts of the London Boroughs of Southwark and Lambeth. The visual impact of tall buildings has been a continuous source of disagreement amongst supporters of tall building developments on the one hand and heritage groups on the other hand (House of Commons 2002). Two quangos have been of particular importance when it comes to the assessment of tall building projects. English Heritage, the government's advisory body regarding the protection of England's built heritage assets, has consistently taken the position that tall building projects in central London should not be granted planning permission due to their visual impacts on the World Heritage Sites (WHS) (the Tower of London and the Westminster World Heritage Sites, including the Palace of Westminster), listed buildings and conservation areas, as well as major open spaces including London's historic Royal Parks (McNeill 2002b; Short 2004; Charney 2007; Tavernor 2007b).⁸ As a result, English Heritage recommended that in numerous cases

⁸ English Heritage was established under the 1983 National Heritage Act (Her Majesty's Stationary Office 1983).

the national government call in these tall building planning applications in order that they are determined at the highest level by the Secretary of State following a public planning inquiry.⁹

In a public inquiry, an inspector from the Planning Inspectorate (PINS) hears evidence from both supporters and opponents of a tall building proposal. According to the 2000 Town and Country Planning (Inquiries Procedure) (England) Rules, following the public inquiry the inspector publishes a report which is considered by the Secretary of State who then reaches a final verdict on whether or not planning permission is granted to the project in question (OPSI 2000a). Appendix 6 shows that these processes can take between one and two and a half years. This is explained in Chapter 6 in relation to a major public inquiry regarding the joint consideration of the No.1 and 20 Blackfriars Road projects. In addition, the Doon Street Tower public inquiry is evaluated in order to aid the discussion by allowing a comparison of the argumentative processes used by opponents and supporters of the projects and the conclusions reached by planning inspectors and the Secretary of State. I attended both public inquiries so that, in addition to the analysis of documents such as proofs of evidence, barristers' submissions and planning inspectors' and Secretary of State reports, data accessed through participant observation—the argumentative rationale seeking to establish proof—is analysed.

The Commission on Architecture and the Built Environment (CABE) has a different advisory role to that of English Heritage. CABE is concerned with the design quality of significant development projects nationally as enshrined in the joint DETR and CABE publication, *By Design, Urban design in the planning system: towards better practice* (DETR and CABE 2000a). CABE was established by Deputy Prime Minister John Prescott's DETR to assess development projects with the aim of ensuring that the national agenda's goal of the highest quality architecture and urban design was implemented (Tavernor 2007b). As a result of opposing assessments of tall building projects, conflicts between these two quangos emerged and were played out in public inquiry procedures, such as that for the Heron Tower (PINS 2002a). Therefore, resolution of the divergent views reached in assessments conducted by CABE and English Heritage was sought (House of Commons 2002).

⁹ See appendix 2 for a full list of projects and appendix 7 for a table detailing the eleven public inquiry cases and showing which organisations argued in support and which in opposition to the projects.

The Guidance on Tall Buildings (GOTB) was an attempt to streamline the assessment processes conducted by CABE in their Design Review Panel (DRP) and by English Heritage in its London Advisory Committee (LAC) so that both quangos would agree on a joint position and assessment procedure. This was intended to prevent quangos from reaching divergent assessment conclusions. However, the GOTB maintains that the two bodies have different statutory remits (English Heritage and CABE 2007b). The GOTB has not been considered in academic research so far. Rydin (2003) suggested that because quangos are isolated from democratic control they are subjected to interest group influence which leads to significant influence by them on policy produced by the quangos. The thesis discusses the appropriateness of the GOTB for resolving the issue of divergent recommendations to the national government by English Heritage and CABE. Interviews with experts who contributed to writing the GOTB and documentary evidence are used to examine interdependencies between the English Heritage, CABE and non-governmental interest groups.

Academics have argued that both CABE and English Heritage have repeatedly been criticised by those aggrieved by their assessments (McNeill 2002b; Polina 2007; Charney 2007; Markham 2008). The thesis considers the relationship of CABE and English Heritage with diverse interest groups as advocates of interests and via the involvement of private sector experts in both quangos as members of assessment panels. In relation to the assessment processes within the CABE DRP and English Heritage's LAC, both the contribution of expert involvement as well as the problem of resulting conflict of interest accusations are discussed in terms of their impact on the effectiveness of tall building planning. Furthermore, the potential for subjectivity in the assessment of design proposals has been identified both generally (Carmona 1998a) and specifically in the CABE Design Review Panel (CABE DRP) process (Parnaby and Short 2008). In addition, it has been suggested that private design teams and their architects tend to use presentation materials and an argumentative rationale in order to convince assessors of the merits of their projects (Carmona et al 2010).

The thesis discusses the conduct of assessments of tall building developments within the CABE DRP and English Heritage's LAC. To this end, interviews with panel members, assessment reports and interviews with design team members whose projects have been assessed therein are used. Particular consideration is given to how CABE and English Heritage assure objectivity within assessment processes in the light of the technical and

rhetorical possibilities used by private design teams in presenting tall building projects. Up to this point, this introduction has discussed the governmental bodies at national and regional levels with high levels of influence on tall building planning in central London, as well as the most important advisory bodies (quangos). However, there are also a number of non-governmental interest groups and international organisations which have an interest in protecting London's most cherished heritage assets from the visual impacts of tall building development.

Third (non-governmental) parties' influence on tall building planning processes

A range of organisations seek to protect central London's heritage assets from what they consider the visual intrusion of tall buildings, and a number of private developers are interested in developing tall buildings due to the very significant financial gains expected. These include international organisations, managers of World Heritage Sites (WHS) and pressure groups. The Historic Royal Palaces, which manage the Tower of London, seek to prohibit the visibility of tall buildings in relation to the Historic Royal Palaces. Both the Eastern Cluster in the City of London and the London Bridge Opportunity Area are in close proximity to the Tower of London, a WHS located in the London Borough of Tower Hamlets. The City of Westminster, besides being a local borough and seeking to protect its conservation areas, also manages the Westminster WHS which includes the Palace of Westminster (WCC 2007c).

On a national level, England's WHSs are surveyed by ICOMOS UK which acts as a direct contact for the managers of WHSs and as an advisor to UNESCO. On accepting World Heritage status for significant buildings and ensembles, the UK government entered into an agreement to protect WHSs from any harm based on the UNESCO convention on protecting the world's heritage passed in 1972 (UNESCO 1972). Thus UNESCO is able to exert significant political pressure on the UK government when ICOMOS reports that WHSs are not being protected appropriately. Pendlebury (et al 2009) argues that weaker conservation lobbies particularly tend to call in UNESCO as an ally. Hebbert and McKellar (2008) have affirmed that UNESCO has had significant impacts on London's tall building development. The impact of UNESCO on the emerging LVMF, the GOTB and the planning processes of No.1 Blackfriars Road and related tall building projects is considered. Furthermore, the thesis sheds light on the influence UNESCO has had on governmental agencies and the dynamics that have resulted from this.

On the London level, the Dean and Chapter of St Paul's Cathedral seek to protect the visual integrity of St Paul's within the London skyline. The Royal Parks Agency (hereunder abbreviated as the Royal Parks) is concerned with tall building development visible from within the parks, which is common for most locations throughout central London. Markham (2008) has identified the Royal Parks—often represented by the acclaimed landscape architect, Hall Moggridge—as an interest group regarding tall buildings. SAVE Britain's Heritage (abbreviated hereunder as SAVE) has taken on the mission of preventing the demolition of significant heritage sites, many of which are located in central London. SAVE uses campaigning to gather support for its conservation efforts but occasionally also gets involved in planning processes directly, as they did for 30 St Mary Axe (Short 2004; Charney 2007) and Smithfield. SAVE has strong ties with the heritage community and is thus able to exert pressure on English Heritage and other governmental organisations in order to get these to represent its interests in heritage protection. Furthermore, HRH the Prince of Wales has twice spoken out publicly against tall buildings (HRH Prince of Wales 2001 and 2008). Thus he has been identified as an influential force in the UK planning system (Charney 2007).

Journalists of media outlets, and the London Evening Standard in particular, have published large numbers of articles critical of tall building development in London. Sir Simon Jenkins has been identified as an outright opponent of tall building development (McNeill 2002b; Charney 2007). In addition, there are also influential people such as Sir Nicolas Serota and local pressure groups such as Bankside Residents Against the Tate Tower (BRATT), that have exerted significant influence, even causing a judicial review after a public inquiry in the case of the Tate Tower, a tall building proposed in very close proximity to the highly regarded Tate Modern Gallery (Harris 2008). The impacts and roles of these third parties are not considered in a separate chapter but instead are part of the discussion throughout the thesis.

Private sector design teams

Due to the increasing complexity of the tall building planning processes through the emergence of new policies and guidance and the high risk of failing to achieve planning consent due to strong opposition by heritage groups, private developers have tended to hire a range of consultants in their attempts to navigate a successful way through this

complexity. Townscape consultants, experts in the visual assessment of tall buildings with extensive historical knowledge, have acquired a central role when presenting the visual impact of tall buildings (Tavernor 2007b). The developer, who finances the project, leads the design team and acts as the principal lobbyist for the tall building project: The greater the influence of the developer and his team, the greater the likelihood of a successful outcome.

The developer's design team at its core (also often referred to as the core design team) consists of an architectural firm (responsible for designing the project), planning consultants (advising the team on existing and emerging policy and guidance and acting as an important contact to regional and local planning officers), public relations consultants (dealing with media inquiries and also often acting as providers of information regarding political circumstances) and solicitors (advising on the legal ramifications of the planning documentation). Due to the high level of controversy regarding the visual impact of tall buildings, townscape consultants (advising on ways of improving the visual appearance of the project in relation to heritage assets and producing a townscape assessment as part of the Environmental Impact Assessment (EIA)) have acquired a role of similar importance in the team. In addition, if a public inquiry takes place, the developer hires high ranking barristers who lead the presentation of evidence and arguments heard by the planning inspector. The thesis discusses the roles of architects, as well as townscape, visualisation, planning and public relations consultants and solicitors who, led by the developer, form the core of the private design team.

Research regarding the roles and significance of private sector experts on tall building planning processes has been scarce. The multiple roles of Lord Rogers as the leader of the Urban Task Force, architectural advisor to former Mayor Ken Livingstone and as a private architect working on tall building projects on behalf of developers have been identified (McNeill 2002b; Charney 2007; Tavernor 2007b). However, as of yet, only insinuations regarding potential conflicts of interest on the part of Lord Rogers have been put forward (McNeill 2002b; Charney 2007). The thesis considers the involvement of private sector experts in policy making and implementation processes regarding the London Plan, the LVMF as well as within the assessment panels of English Heritage and CABE. Such an examination has not yet been undertaken but is merited significance not least because Allmendinger in his approach to planning under the new

Labour government has concluded that planning appeared to have been 'contracted out', since the production of evidence required to demonstrate the conformity of projects with policy was handed over to consultants and experts (Allmendinger 2011: 85).

The involvement of private sector experts in public service is important due to the principles of public life set out in a report published by the Committee on Standards in Public Life in 1997, the so called Nolan Report (Nolan 1997a). The Nolan Report stressed that there have been serious abuses of planning processes (ibid.). In order to improve the accountability of local governments in the public interest the report lists the principles of selflessness, objectivity, accountability, openness, honesty and leadership which should govern the conduct of local government officials (Nolan 1997b). It appears that the most problematic aspect is the 'public perception of impropriety' rather than actual cases of misconduct or even corruption (Nolan 1997a: 70).

The most important issues arising from the Nolan Report from this thesis are: i) honesty, government officials have to declare any conflicts of interest, based on which the person declaring them is excluded from working on the issues to which the interest relates; ii) objectivity, which means that choices such as the granting of planning permission have to be made based on the merit of projects; iii) integrity, which means that government officials should not be compromised by any obligations to outside organisations; and, iv) openness, which means that information regarding decisions made should only be withheld from the public if wider public interests so demand (Nolan 1997b). The thesis examines what the impacts of private sector expert involvement in public sector work have been and how governmental agencies have implemented the Nolan principles.

Local borough tall building policy

London's local boroughs have different attitudes towards tall building development. Some boroughs see them as an opportunity to solidify their status as a centre for international corporations or as kick-starters for regeneration, while others emphasise their negative impacts. The City of London is located in one of the most historically significant parts of London, containing a large number of conservation areas. According to the 1990 Planning (Listed Buildings and Conservation Areas) Act, conservation areas are recognised for their 'special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance' (OPSI 1990b: Part2, Section

69). However, the City is recognised as London's premier business district and has purposively restricted the size of its residential areas (PINS 2002a). It has been argued that the City of London seeks to maintain its tradition as a centre for British corporations (Kaika 2010). Since the millennium, tall buildings have become visual signifiers for what Sklair (2006) has recognised as global corporations that seek to be housed in iconic buildings. Thus, the hypothesis emerges that the visual dominance of tall buildings, which results from their sheer height, is related to the economic consideration of seeking to attract global businesses.

The Corporation of London commissioned a report which argued that in order to continue to thrive as a world leading financial centre, increasing density through tall building development was inevitable (Plank et al 2002). The reason for this is that the City of London sees its primary role as a leading world centre for international finance and business within which significant firms, active on a global level, have located their headquarters (Hebbert 1998). Consequently, there has never been a large residential community lobby for the protection of conservation areas in the City of London seeking to resist tall building development in the planning processes (PINS 2002a). Prior to the millennium, the tightening of heritage controls led to the displacement of office developments to the City fringes and also to Canary Wharf located in the London borough of Tower Hamlets in the 1980s (Hebbert 1998). During the rise of Canary Wharf, the City of London saw itself in competition with Canary Wharf with regard to attracting global corporations (Gordon 2001). The latest City of London UDP states that the character of conservation areas can be enhanced by new development and tall buildings, primarily located in the Eastern Cluster, which are seen as a key means for reinforcing the status of a leading world centre for business and finance (City of London 2002). As a result, leading City of London planners have argued in public inquiry processes that tall buildings contribute positively to the consolidation of existing clusters despite criticism by English Heritage and other heritage organisations (PINS 2002a).

The so called Eastern Cluster of tall buildings, in which a large number of tall building projects are being developed, is situated in the City between St Paul's Cathedral—one of London and the nation's most important religious symbols—and the Tower of London, a World Heritage Site protected by an international heritage policy and UNESCO (City of London 2002). It is argued that the City of London has purposefully resisted defining

the exact boundaries of the areas appropriate for tall buildings (PINS 2002a; Tavernor 2007b). The designation of areas appropriate and not appropriate has been made continuously by quangos (LPAC 1999) and indeed by the House of Commons (2002). The thesis examines the reasons behind this purposeful ambiguity in regional (London Plan) and local policy making in relation to the southern end of Blackfriars Bridge in Southwark (Southwark UDP) and partly also in the City of London UDP. It will be argued that the reasons for this ambiguity are both strategic (allowing for tall building proposals in areas that developers determine so as not to restrict developers' ability to identify the most promising sites for tall building development) and economic (developers are able to obtain sites that are not identified as tall building areas for a cheaper price than when sites are officially identified as tall building areas), as well as political (sometimes politicians are not able to gain the support of their constituents to get consent for a tall building policy).

In the Eastern Cluster, a number of tall building projects were only granted planning permission after considerable controversy: the Heron Tower, 30 St Mary Axe (known as the Gherkin), the Minerva Tower and 20 Fenchurch Street were all subjected to fierce debate amongst experts and the public at inquiries.¹⁰ In these entire cases, heritage bodies argued that tall buildings would have detrimental visual effects on the settings of cultural and religious heritage assets of national significance. In relation to the case study of No.1 Blackfriars Road, the public inquiry processes and decisions regarding these projects have had important implications. Planning permissions for these precedent cases have opened up central London to further tall building proposals.

Contrary to the aspirations of the City of London, London's other historic core, the City of Westminster, has an urban planning policy that actively discourages tall building development. Like the City of London, Westminster contains large expanses of conservation areas (WCC 2007c). These conservation areas are fiercely protected for their residents by Westminster's planning department through national policies, such as the PPG15, and local policies enshrined within the Unitary Development Plan (UDP).

¹⁰ Heron Tower was called in in 2001 and was granted planning permission in 2002 (PINS 2002; ODPM 2002). The Minerva Tower was subject to significant controversy but the project was cancelled by the developer (DCMS 2007a). 20 Fenchurch Street was called in in 2006 and granted planning permission in 2007 (DCLG 2007b). 20 Fenchurch Street was regarded as being situated outside of the Eastern Cluster. Appendix 2 contains images of the projects and details about the firms involved. Appendix 6 shows the dates of call-ins, public inquiries and the Secretary of State's decision making in relation to the various tall building projects.

For instance, Westminster's UDP states that '[h]igh buildings are generally not in keeping with the established scale and character of much of Westminster. Their appearance disrupts the skyline of the City and intrudes upon cherished views of Westminster's pre-eminent buildings and monuments' (WCC 2007c: 511). As a result, tall building development has been confined to small areas in Paddington (ibid.) and in front of Victoria Station.¹¹ Up to this point, three foci of tall building development have been discussed. The City of London which seeks to attract them to maintain its status as the prime location for global firms, Canary Wharf in the London Borough of Tower Hamlets which seeks to attract them in competition with the City of London, and the City of Westminster where tall buildings are met with reservation.

However, from 2005 onwards the focus of tall building development shifted towards the northern parts of Southwark and Lambeth just across the River Thames to the south of the Cities of London and Westminster. It has been noted that the London Plan gave the mayor the power to override local borough planning decisions in cases of significant strategic importance (Travers and Gordon 2010). The tall building cases of Vauxhall Tower and Black Prince Road, located in the LB Lambeth, and Potter's Fields and Tate Tower, located in the LB Southwark, are examples in which the mayor used his powers to support tall building projects in public inquiry processes, overriding the planning decision of the local boroughs (PINS 2004a; b; 2009c; Bar-Hillel 2004). The next section introduces the case study of No.1 Blackfriars Road and sets out the reasons why this case study is particularly well suited to address the central research questions.

¹¹ Several tall buildings are being proposed at Victoria Station, lead by the developer, Land Securities, and designed by the architect firm, Kohn Peddersen Fox Associates (see Appendix 2 for details).

1.2 Case study

This section introduces the case study of No.1 Blackfriars Road. It sets out why No.1 Blackfriars Road is a useful exemplar for addressing the central research question of how the urban renaissance agenda has been translated into tall building policy making and implementation processes in central London. No.1 Blackfriars Road project is located in the north-western corner of the London Borough of Southwark (marked with a blue dot in map 1; 1 in image 1) and has been designed to provide the pinnacle of a proposed cluster at the southern end of Blackfriars Bridge. It provides a useful focus for any thesis because influential proponents and opponents were in strong disagreement about the contributions and the constraints regarding tall building projects proposed there. This section includes a map, images of the proposed cluster, and a data sheet summarising the main components of No.1 Blackfriars Road. Key sections of planning law are discussed to illustrate why, in light of the divergent interests of the private and governmental organisations involved, this proposal proved particularly difficult to resolve.

The cluster of tall buildings at Blackfriars Bridge

The fact that a cluster of tall buildings has been proposed at the southern end of Blackfriars Bridge which will be very visible up and down the River Thames at the heart of London raises significant questions about the visual image of London. Large clusters have only been located so far in the City of London and at Canary Wharf. Three tall building schemes have been proposed at Blackfriars Bridge. The King's Reach Tower Redevelopment (3 in image 1) is a proposal to renovate an existing office tower increasing its height by 17 metres, with new lower buildings around its base. This tower was designed by Make Architects in conjunction with the developer, Simone Halabi, to be 127.9 metres high.¹² The two major projects at Blackfriars Bridge are No.1 Blackfriars Road and 20 Blackfriars Road. No.1 Blackfriars Road was designed by Ian Simpson Architects for the Liverpool-based developer, Beetham Organisation (1 in image 1). It was designed to contain a hotel in the form of a tall building, a podium and a smaller adjacent building incorporating affordable housing. Because of its proposed height of 170 metres and its presence in a LVMF townscape view, No.1 Blackfriars

¹² The developer for the Kings Reach Tower redevelopment project might have changed but exact details have not been made public knowledge.

Road is the most dominant visually of the three projects.¹³ 20 Blackfriars Road (2 in image 1) was designed by Wilkinson Eyre Architects for the developer, Land Securities Plc, and was subsequently bought by Circleplane. 20 Blackfriars Road comprises of two towers, a 148 metre tall residential tower and a 105 metre tall commercial tower.

The prominent location of the case study

No.1 Blackfriars Road is a highly controversial project because it is located in an area that does not yet have a cluster of tall buildings. The London boroughs of Southwark and Lambeth ranked amongst the poorest 10% of boroughs in England (GLA 2002k). Conflict between proponents and heritage groups regarding the appropriateness of the No.1 Blackfriars Road project was perhaps inevitable because of the site's prominent location. However, it is, or will be very well served by transport links. As part of the Thameslink 2000 rail enhancement scheme, Blackfriars Station is to be redeveloped, including the provision of a new entrance at the southern side of Blackfriars Bridge (Department for Transport 2006). Thereby, the southern side of Blackfriars Bridge should fulfil an important requirement of the London Plan's policy 4B.10 which states that tall buildings have to be appropriate to the transport capacity of an area (GLA 2004a). Furthermore, its location at the southern end of Blackfriars Bridge fulfils the London Plan criteria of policy 4B.3: tall buildings at Blackfriars Bridge would maximise the potential of the site in terms of building density and transport capacity (ibid.).

Positive contributions by tall buildings at Blackfriars Bridge

Prior to discussing the specific positive contributions from and constraints on No.1 Blackfriars Road, the nature of policy and decision making within the national planning system needs to be taken into account because only in this light does it become clear why there was significant uncertainty as to whether No.1 Blackfriars Road and related projects could be granted planning permission. The current planning system is based on a plan-led approach which establishes a hierarchy between national, regional and local levels of planning policy through the 1991 Planning and Compulsory Purchase Act (OPSI 1991). However, based on Section 54A of the 1990 Town and Country Planning Act, the planning system is flexible in nature so that each proposal can be assessed on

¹³ No.1 Blackfriars Road was initially proposed at 226.5 metres height. During the planning process, No.1 Blackfriars Road was reduced to 180 metres (July 2007) and later even to 170 metres (December 2007) (PINS 2009a).

its own merits (OPSI 1990a). While planning policies are streamlined through the policy hierarchy, decisions regarding individual planning proposals may depart from policy if there are material considerations that are significant enough to lead to overruling policy (Cullingworth and Nadin 2006).

Moreover, it has been stressed repeatedly that the interdependence between policy making and implementation had significant effects on emerging policy (Barrett and Fudge 1981; Allmendinger 2003). Tewdwr-Jones (2002) stresses this duality between discretion—the power granted to local planning authorities (LPAs) to formulate their own policies and make their own decisions flexibly based on the merits of individual planning proposals—and prescription—the hierarchy established via the plan-led approach by which regional and local policy have to be in conformance with national policy. He describes this duality as an 'unhappy ideological conflict between the discretionary natures of British planning' (Tewdwr-Jones 2002: 84). Greater certainty in regulation is one of the primary aims of the plan-led approach (Barker 2006a). Developers should be in a position to know the conditions under which proposed projects will be granted planning permission since regional and local policy are based on national policy (*ibid.*). Barker (2006b), however, concludes that these goals have been compromised by the length and complexity of the planning process. As a solution she proposes that planning authorities should adopt more of a partnership approach with the private sector, the information regarding the planning application should be reduced and that government should call in fewer planning applications (*ibid.*).

In the light of these central requirements of planning law, the specific merits—the pros and cons—of No.1 Blackfriars Road are of significant importance because these are the major factors that need to be considered by governmental decision makers when determining planning consent. The part of Southwark in which the proposed cluster of tall buildings is situated on the River Thames across from the City of London, Blackfriars Bridge (and more recently the Millennium Bridge) thereby providing positive links to the City's business activities. This link to the City makes the location attractive for high-end development. The London Plan, under the heading of the 'Blue Ribbon Network', defines the principles for building near London's waterways (GLA 2004a: 193). Policy 4C.20 states that tall building projects proposed close to a waterway, the most important of which is the River Thames, have to provide an appropriate mix of uses including public uses and open spaces. Furthermore, any open

spaces provided are supposed to be accessible to the public (ibid.). For tall buildings located at Blackfriars Bridge, large public open spaces at ground floor level are proposed. A publicly accessible viewing gallery at the top of the building is also proposed for No.1 Blackfriars Road.

The proposed cluster of tall buildings is part of the wider regeneration strategy focusing on the 'London South Central/Central Activity Zone', which is designated in the London Plan and is reflected in Southwark's UDP (GLA 2004: 234; LB Southwark 2007c). The issue of regeneration—to tackle deprivation and improve the living situation of inhabitants—is at the heart of Southwark's UDP (LB Southwark 2007c). The opening of the Tate Modern in 2000 (Manson 2001) was a kick-off for significant regeneration there. Since its opening, the Tate Modern has attracted more than two million visitors annually. Importantly, the Tate Modern kick-off has given leaders and inhabitants the confidence to believe it is possible to improve the living environments in Southwark through regeneration, principally attracting large developments. Prior to 2000, Southwark was among the 'top ten deprived areas in the country' (ibid.: 12). Regeneration at Elephant and Castle is a central issue in Southwark's most recent UDP. Elephant and Castle (T4 in map 1) is also identified as an Opportunity Area in the London Plan (LB Southwark 2007c). The proposed cluster of tall buildings at Blackfriars Bridge is seen as a gateway to the Blackfriars Road Boulevard scheme which is supposed to link regeneration in the north to Elephant and Castle further south—sucking some of the wealth of Westminster and the City towards Southwark.¹⁴ Finally, the projects at No.1 and 20 Blackfriars Road together would provide the contribution of around 150 units of affordable housing and around £14.000.000 through Section 106 agreements (see appendix 10 for details).

Four projects have set precedents for the acceptability principle of tall buildings close to the south bank of the River Thames. In November 2003, following a highly controversial public inquiry, the Secretary of State granted planning permission to the London Bridge Tower (also known as the 'Shard of Glass')—a 310 metre tall building located at London Bridge (ODPM 2003). The London Bridge Tower (T3 in map 1) was the first tall building granted planning permission in Southwark and will be the tallest mixed-use tower in Europe. The earlier King's Reach Tower (3 in image 1) is an

¹⁴ Alongside the proposed Blackfriars Road Boulevard, there are a number of proposals some of which have already been realised, such as the Palestra building (PINS 2009a).

existing tall building completed in 1978 and was given planning permission to be refurbished and enlarged in height by four floors (LB Southwark 2005c). Policy 4B.8 of the London Plan encourages tall building projects in locations where they consolidate existing clusters (GLA 2004). Therefore, the King's Reach Tower redevelopment project has set a precedent for the acceptability of further tall building projects close to nearby Blackfriars Bridge.

The site of No.1 Blackfriars Road itself a scheme achieved planning consent in 2002 for a tall building for Sainsbury's (DCLG 2009a) and together with the planning permission to redevelop the Kings Reach Tower, there were already two consented schemes for new tall buildings at Blackfriars Bridge. Further west, the building housing London Weekend Television, commonly known as the LWT tower, extends the precedent for tall buildings towards Waterloo Station, the Waterloo Opportunity Area being a designated tall building location in the London Borough of Lambeth (GLA 2007f). The precedents that have been set by these projects suggest that tall buildings might be appropriate in terms of contributing to the consolidation of clusters of tall buildings in a large area spanning from London Bridge to Blackfriars Bridge and Waterloo. Therefore, the proposed tall buildings at Blackfriars Bridge, if granted planning permission, would set a significant precedent confirming the acceptability of tall buildings in this larger area.

Constraints on tall building projects at Blackfriars Bridge

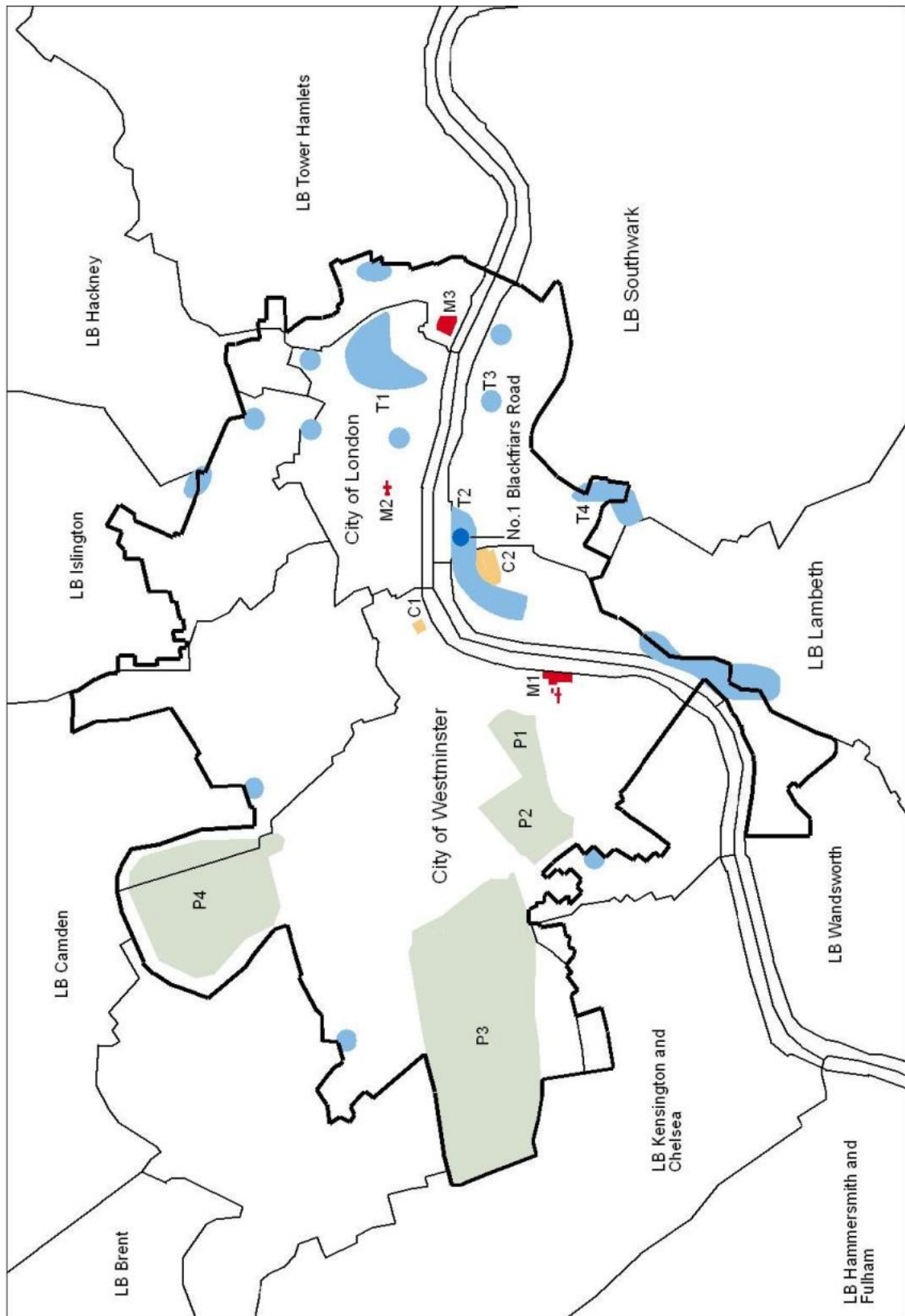
The location of the proposed cluster at Blackfriars Bridge was challenged by English Heritage and the City of Westminster because the compliance with regional and local policy is uncertain. Locations in which tall building proposals are appropriate are designated in the London Plan and in local boroughs' UDPs. The London Plan has designated Opportunity Areas which are capable of accommodating substantial growth through development (GLA 2004a). Tall building development is seen as appropriate for intensifying building density and mixed uses (ibid.). Therefore, tall buildings are seen as an appropriate way to facilitate growth in Opportunity Areas. London Bridge and Waterloo have been identified as Opportunity Areas because these are located at major transport hubs which are capable of providing transportation for the large amounts of people living or working in tall buildings.

Due to the high degree of controversy surrounding tall building proposals, the House of Commons demanded that local boroughs identify suitable locations within their UDPs (House of Commons 2002). For example, the City of Westminster defines the Paddington Special Policy Area appropriate (WCC 2007c). However, the London Borough of Southwark did not explicitly define the southern end of Blackfriars Bridge as appropriate since local politicians voted in opposition (Strategic Director of Regeneration 2007). For this reason, English Heritage and the City of Westminster have argued during consultation that tall building proposals cannot be granted planning permission since the London Borough of Southwark has not established a tall building policy for that area (LB Southwark 2007a). Furthermore, they have argued that Blackfriars Bridge is not suitable for tall building development because the location has not been identified as an Opportunity Area in the London Plan (*ibid.*). Their criticism was based on criteria 2.6 of the Guidance on Tall Buildings (GOTB) which requires local authorities to identify tall building areas (English Heritage and CABA 2007b). The latest national planning policy, PPS1, also demands that local development plans clearly identify areas and specify the type of development for which planning application may be sought at the specified sites (ODPM 2005c). Local planning decisions have to be based on both the GOTB and the policies contained in the PPS1. Therefore, a local authority is able to grant planning consent for tall building development only if this is proposed at a location that lies within a specified area, or if a case can be made for tall buildings because of excellent transport links.

Tall building proposals at Blackfriars Bridge have been criticised by English Heritage, the City of Westminster and the Royal Parks for their visual impact on a number of significant views. The proposed buildings would be visible within the St James's Park towards Horse Guards Road townscape view, which has recently been designated as a strategic view in the LVMF (GLA 2007b). Furthermore, St James's Park (P1 in map 1) is a conservation area that has been designated within the City of Westminster UDP (WCC 2007c). The urban design and conservation policies of the Westminster UDP seek to regulate the visibility of tall buildings, even though these are not proposed within the conservation area. Tall buildings which are visible may have adverse effects, diminishing the historic significance of a conservation area (*ibid.*). The Royal Parks Agency—the management of London's Royal Parks—has demonstrated in more precise terms how the City of Westminster and the Royal Parks think about the protection of views from within St James's Park. Research carried out on behalf of the Royal Parks

shows that tall buildings at Blackfriars Bridge would have to be 92 metres or lower in order not to be visible from within St James's Park (Colvin and Moggridge 2001).

As has been shown above, tall buildings proposed at Blackfriars Bridge will have heights ranging from 105 to 170 metres. It can be concluded from these facts that English Heritage, the City of Westminster and the Royal Parks all regard the mere visibility of tall buildings as an adverse impact on a view. Furthermore, No.1 Blackfriars Road and the Doon Street Tower have been described as potentially visually detrimental to the Westminster and Tower of London World Heritage Sites (WHSS) in a report by the DCMS for UNESCO (DCMS 2007a). The position of heritage bodies stands in stark contrast to that of proponents of tall buildings at Blackfriars Bridge, the GLA and the London Borough of Southwark, as well as private developers. These proponents of tall buildings argue that the visual impact of tall buildings on views is of minor significance and may even contribute in a beneficial manner to the visual enjoyment (PINS 2009a).



Map 1: Areas in which tall building developments were granted planning permission between 2000 and 2008. Locations at which tall buildings were granted planning permission are shown in light blue. The dark blue dot indicates the location of the No.1 Blackfriars Road project. The bold black outline indicates the area of central London (outlines are based on the map referred to in Circular 1/08 (GOL 2008c)). A more detailed map and a data set containing images and information about the private firms involved in the forty-three tall building projects proposed in central London are contained in appendix 2. Source: Author

Key to map 1

Case study

Dark blue dot No.1 Blackfriars Road

Tall building areas most important in relation to the case study

Light blue Tall building projects proposed
T1 Eastern Cluster in the City of London
T2 Blackfriars Bridge and Waterloo tall building cluster
T3 London Bridge Tower
T4 Elephant and Castle

Monuments

M1 Palace of Westminster (World Heritage Site)
M2 St Paul's Cathedral
M3 Tower of London (World Heritage Site)

Conservation areas

C1 Somerset House
C2 Roupell Street conservation area

Royal Parks

P1 St James's Park
P2 Green Park
P3 Hyde Park
P4 Regent's Park

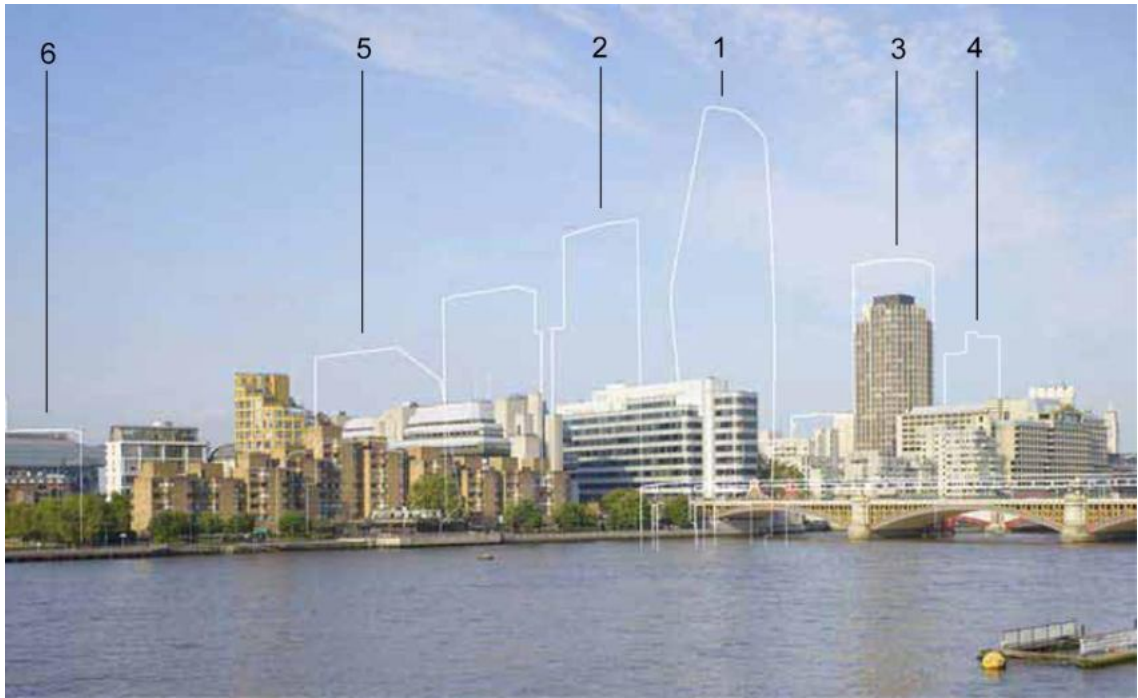


Image 1: The cluster of tall buildings at Blackfriars Bridge

This is a view of proposed tall buildings in the north-western corner of the London Borough of Southwark. The tallest building is the No.1 Blackfriars Road project (1). To the left of No.1 Blackfriars Road, the two towers of the 20 Blackfriars Road project can be seen. Further to the left, the Wedge House project (5) is located and to the far left, part of the Holland Street Buildings project (6) can be seen. To the right in the background, the Doon Street Tower project (4) can be seen. To the right of No.1 Blackfriars Road is the King's Reach Tower redevelopment (3), an existing tower which is proposed to be renovated and extended in height by 17 metres.

The images resemble views from the northern part of Millennium Bridge in the City of London. Source of top image: Tavernor 2008g: 41; source of bottom image: Tavernor 2008e: 18; the original images have been cropped and black lines and numbers inserted by the author.

Both original images are © Hayes Davidson.

Case study project

No.1 Blackfriars Road

(also referred to at times as Beetham London)

Proposal date and height: 2005: 226 m
2006: 180 m
2007: 170 m

Design Team

Developer:	Beetham Organization
Architect:	Ian Simpson Architects
Planning consultant:	DP9 Planning Consultants
Townscape consultant:	Robert Tavernor Consultancy
Visualisation consultant:	Cityscape3D (for the final AVR images) Hayes Davidson (panoramic AVRs) Miller Hare
Soliditors:	Herbert Smith LLP
Public relations consultant:	Four Communications
Barrister (at public inquiry):	Russell Harris QC of Landmark Chambers

Project facts¹⁵

Approximate construction cost:	1 billion British pounds (in 2005, the project was estimated at 500 million pounds) ¹⁶
Total rentable area:	76,060 square metres
Hotel use:	261 bedroom super luxury hotel operated by Jumeirah (not finalised)
Flats:	64 luxury residences on the top floors, 32 flats of intermediate housing located at plaza level
Public viewing gallery:	993 square metres of publicly accessible viewing, gallery located at the very top of the tall building
Restaurant:	372 square metres at ground floor
Servicing and car parking:	11,935 square metres
Ground floor:	Public plaza at ground floor level

¹⁵ This information was taken from the most up-to-date published fact sheet (Red Chilli 2011).

¹⁶ The information in brackets was taken from an official press announcement by the Beetham Organization in 2005 (Beetham Organization 2005).

1.3 Research methods

This section discusses the methods used to access the data that is considered within the thesis. Diverse methods were used to access data that includes documents, interviews and participant observation. The limitation on access to these data types is explained. Furthermore, it is discussed how I dealt with the ethical issues involved in using interviews. It is shown how I interacted with interviewees at the different stages of the research process in order to ensure that the integrity of interviewees is protected. In addition, my approach to the consideration of data and to developing explanations and conclusions is set out, based on the different data types generated while researching the various types of policies and planning documents as well as the fieldwork processes.

Data sources and access

The data used in this thesis include policies, assessment reports by regional and local planning authorities and non-departmental governmental bodies, planning application documents produced by the developers' design team members as well as evidence produced for public inquiry procedures by both proponents and objectors of tall building projects and reports produced by planning inspectors and the Secretary of State. Many of those documents were either accessible online or I made requests to the relevant parties asking them to provide me with them. Public inquiry documents were available online only shortly prior to and during the inquiries. In addition, interviews with twenty-four key people were conducted between summer and winter 2007. These key experts are part of the developers' design teams, governmental and non-governmental bodies as well as consultants who are employed by governmental agencies for the development of policies and guidance and as experts on panels at CABE DRP and English Heritage's LAC. Matrix 1, located at the end of this section, lists the experts with whom interviews were conducted.

Interviewees were chosen so that an expert from every part of the core design team and experts from governmental organisations could be covered. The goal was to obtain a variety of different views based on the different types of work that each expert is conducting. During the interview process, further interviewees were identified who were described by other interviewees as crucial for tall building planning processes. Furthermore, I conducted participant observation at local borough planning meetings for the No.1 and 20 Blackfriars Road projects, each held over one evening. The most

substantial part of the participant observation was conducted at the public inquiries for the Doon Street Tower (held from 6 to 26 March 2008) as well as at the joint No.1 and 20 Blackfriars Road public inquiry (held from 9 September to 2 October 2008). A matrix of the experts observed at the No.1 and 20 Blackfriars Road public inquiry is included in chapter 6.

Interviews were conducted during the planning application process while pre-application discussions between the design team and governmental and non-departmental governmental bodies were continuing. Because the projects were the subject of heated debates, and much was at risk for both proponents and opponents, some documents were inaccessible at that time and a number of processes which would have been interesting to witness could not be accessed. Appendix 8 shows the temporal relationship of the planning processes of No.1 and 20 Blackfriars Road in relation to the times at which I conducted fieldwork. In particular, I learned that design team members and panel members who are part of assessment processes at CABE DRP and English Heritage's LAC would not have been happy with a student being present. Therefore, I had to restrict data regarding these processes to the officially published assessment reports and interviews with people who had attended these.

Some reports were subject to restrictions from public access. It proved possible to obtain these later through freedom of information requests once the exemption through Section 43 (exemption due to commercial interests) of the Freedom of Information Act was no longer an issue. Pre-application discussions between the developers' design team and members of the GLA (such as Mayor Livingstone and leading planning officers), local borough planners and politicians, as well as leading personnel at CABE and English Heritage could not be accessed directly in terms of being able to observe these. Typically, there are also no published minutes of these discussions. Therefore, data were restricted to the reports showing the end results of pre-application discussions. In addition, data on pre-application discussions were gained through interviews with experts who had participated in these.

Research ethics

In order to gain access to interviewees, I wrote formal letters explaining to each individual what my research was about and which topics I aimed to discuss.¹⁷ Letters

¹⁷ A general template letter can be found in appendix 26.

were either addressed directly to interviewees or to heads of departments and principals of firms, requesting an interview or asking to pass on my request to the person most knowledgeable. Furthermore, the interviewees received a one page abstract describing my research in more detail.¹⁸ I decided to use this approach because I had learned from initial conversations with insiders that the matter of tall buildings was a very sensitive one. Because of that I wanted to make sure that I provided interviewees with the information that would allow them to understand that I was undertaking PhD research, and what I was aiming to find out, so that interviewees would be able to prepare. Within a three month period, I communicated with interviewees directly or with their personal assistants and arranged dates for interviews. Through interviewees who recommended me to their colleagues, I gained access to the heads of the assessment processes and to members of the associated expert panels. Approximately 150 emails were exchanged with interviewees, a process which I also used to obtain information about the area of knowledge and work of each interviewee. I used this additional information to optimise my preparation for each individual interview.¹⁹

At the start of each interview, I explained my research again briefly and asked each interviewee to mention during the interview whether they wanted me to keep certain passages confidential. Consequently, I have not used these passages directly within the thesis but rather as background information to better understand the tall building planning process. In addition, I asked every interviewee at the end of the interview whether there were any questions they felt uncomfortable with so that I would be able to mark those in order to ensure that I was not using information which could potentially hurt the interviewee.

In the spring of 2011 when I was close to completing the thesis, I sent an updated abstract and the individual transcript to each interviewee. By this time I had gained in-depth knowledge about potentially sensitive topics and I was able to evaluate whether certain quotes could potentially harm interviewees' integrity. Where appropriate I alerted interviewees to relevant paragraphs within their transcripts which I intended to cite in the thesis and which I thought could potentially hurt the integrity of the interviewee. As a result, I amended one of the quotes used in the thesis. I think that this process was critical since I had used an open form of questioning in my interviews,

¹⁸ The information sheet sent to interviewees is included in appendix 27.

¹⁹ An example of a sheet to structure my questions during interviews can be found in appendix 28.

encouraging the interviewee to tell their individual story rather than answering narrowly defined questions. The results of this interview technique were twofold. First, the stories told typically went far beyond the initial questions I had asked and thereby allowed me to access the meaning attributed by interviewees to policies and implementation processes. The access to the different meanings inherent in the processes for tall building planning was critical for my evaluation of the effectiveness of the tall building planning system used in central London. Second, due to the open type of interviewing, experts tended to revert to colloquial speech. Due to the controversial nature of tall building development, some emotional statements were made by interviewees. I have done my best to avoid using emotional statements in cases in which I thought that this could harm the integrity of the interviewee.

In this feedback process from interviews, I also asked interviewees whether they would allow me to refer to them using their actual name. During the process of writing the thesis, I used coded pseudonyms. Matrix 1, at the end of this section, lists the persons whom I interviewed. In cases where interviewees did not permit me to use their name or when interviewees had left the company in relation to which the interview was conducted, I have maintained the use of pseudonyms in the form of typical English first names. One interviewee requested to be taken out of the list of interviewees.

Balancing the explanations developed from the data

The previous sections of this introduction have set out the roles and the divergent interests of the parties involved in tall building planning in central London, as well as major planning policy and implementation processes. This discussion has also shown the complex nature and the various relationships between the parties. A central issue in researching this complex policy and implementation context is to balance and critically discuss the conclusions that can potentially be drawn from the data. There is the risk that conclusions are drawn that could be influenced by a one-sided focus on certain data while leaving out other sources. At the same time, there is always the risk that biases manifest themselves based on the subjective accounts by interviewees or that biases occur which I establish myself during the interpretation of the data. Therefore, a central requirement for detailed case studies is to make the different explanations that are possible explicit (Yin 1994). In order to overcome potential biases and to strengthen the validity of conclusions, a wide variety of data sources and different types of data

representation were used wherever possible so that each conclusion can be scrutinised and challenged.

Yanow (2000) argues that policies are frames that use language to shape perceptions and understanding and by doing so policies entail courses of action. Yanow recommends that the analyst maps the architecture of policy debate relative to the policy issue under investigation by identifying the language used and the meaning of policy texts (Yanow 2000: 12, 13). The thesis considers the language used in the policies of the London Plan and the LVMF. The meaning of policies is examined based on consultation responses by proponents and opponents of tall building development in conjunction with data gained through interviews.

In order to strengthen the validity of the explanations derived from data, rival explanations were developed and weighed against each other in terms of plausibility and strength of evidence, taking into account planning law and the interests and agendas of the parties involved. Miles and Huberman (1994) call this process the triangulation of data sources. Within this process, different data sources were used from which the different explanations were drawn. The foremost purpose for using different data sources is that single data sources might lead to one-sided explanations which might result in biased explanations. These biases needed to be overcome.

Matrix of interviewees

Architects Ben Duckworth Christian Male John Morgan Graham Morrison Jason Parker	Project architect for the redevelopment of the Tate Modern Gallery for Herzog & de Meuron Architects Project architect for No.1 Blackfriars Road for Ian Simpson Architects Associate at Allies and Morrison Architects until 2008; lecturer at Mackintosh School of Architecture, Glasgow School of Art Partner at Allies and Morrison Architects; architect for Elizabeth House and member of English Heritage's London Advisory Committee Project architect for Make Architects
Private sector consultants Ethan John Hare Frank Ian Lindsley Dr. Chris Miele Joseph Robson Roger Anna Rose Peter Stewart	Senior solicitor at law firm working on tall buildings in London Director at Miller Hare, a consultancy firm that specialises in visualising architectural projects, including tall buildings; co-author of the 2005 draft LVMF and again appointed by the GLA to develop the LVMF further since 2010 Head of urban research at a private consultancy Founding member of Jefferson Communications; public relations consultant on a large number of controversial tall building projects in central London Partner in the Planning and Development Department at Montagu Evans; townscape and planning consultant for the Doon Street Tower and co-author of the 2007 LVMF Founder of AVR London, a company that specialises in visualising architectural projects, including tall buildings Planning consultant for No.1 Blackfriars Road Director at Space Syntax, an international consultancy that specialises in the analysis of pedestrian movement Founder and head of Peter Stewart Consultancy; townscape consultant; member of English Heritage's London Advisory Committee and Director of the design review programme at CABE from 1999 to 2005
Developer Justin	Chairman of the Beetham Organization; developer for No.1 Blackfriars Road
Non-governmental departmental bodies Nick Paddy Pugh William	Member of CABE design review; co-author of the 2007 Guidance on Tall Buildings Director of English Heritage's London Advisory Committee Head of CABE design review in 2007

Regional and local planning authorities	
Fred Manson	Former Director of Regeneration at LB Southwark
Adrian Dennis	Team Leader in the Major Applications Team in the regeneration and neighbourhoods department of the London Borough of Southwark; case officer for No.1 Blackfriars Road
Martin Scholar	Strategic planning manager for development plans at the GLA and case officer for No.1 Blackfriars Road
Alexandra Reitman	Senior policy officer at the GLA during the Livingstone administration, and subsequently under Boris Johnson

Matrix 1: Experts interviewed between summer and winter 2007

2. The London Plan

This chapter considers the development of the London Plan (GLA 2004a)—the regional development strategy intended to regulate the planning of London for twenty years. The policy making process incorporated the formal stages of early policy proposals, draft policies, consultation and examination in public processes and the finalised policies. A diagram providing an overview of the formal policy making stages of the London Plan, including the associated Supplementary Planning Guidance (SPG), i.e. the London View Management Framework (LVMF), is provided.

The development of the London Plan—from Towards the London Plan (GLA 2001c), the Interim Guidance on Tall Buildings (GLA 2001b) and the draft London Plan (GLA 2002a) to the finalised London Plan (GLA 2004a)—took place prior to the case study of No.1 Blackfriars Road. However within these documents, the most important policies for regulating tall building development in central London were drafted, in relation to which No.1 Blackfriars Road had to be designed. Furthermore, a number of significant precedent tall building cases were in the midst of planning while these policies were being developed. During pre-application discussions, regional and local planning agencies had determined their positions towards these projects prior to the finalisation of the London Plan. This aspect of simultaneity is taken into account in considering the policy making of the London Plan. During this period of time, supporters and opponents of tall buildings established their positions and a mode of interaction emerged that would then determine the interactions between the design team for No.1 Blackfriars Road and governmental parties as well as stakeholders from 2006 onwards. The draft Further Alterations to the London Plan (FALP) were published in 2006 and occurred simultaneously to the planning process for No.1 Blackfriars Road (GLA 2006a).

The chapter starts with considering the reasoning behind the positions taken by supporters and opponents of tall buildings in central London. The rhetoric of a world city used by Mayor Ken Livingstone to emphasise the need for tall building development is scrutinised regarding its validity and its implications for planning practice. The 4B policies of the London Plan, which regulate aspects of architectural and urban design and define locations suitable for tall building development, are assessed in terms of their meaning for the different governmental and private

organisations involved. The involvement in policy making of a set of experts partly stemming from the private sector are analysed in relation to the positive and negative impacts on planning practice. The finalised London Plan policies and the emergent FALP are analysed in relation to their meaning for private and governmental organisations involved in tall building planning practice, and in particular in relation to tall building development at Blackfriars Bridge and the No.1 Blackfriars Road project. Finally, pre-application discussions between design team members of No.1 Blackfriars Road with the GLA are assessed with a focus on the roles of planning and public relations consultants for interacting with the GLA as well as the decision making hierarchy within the GLA.

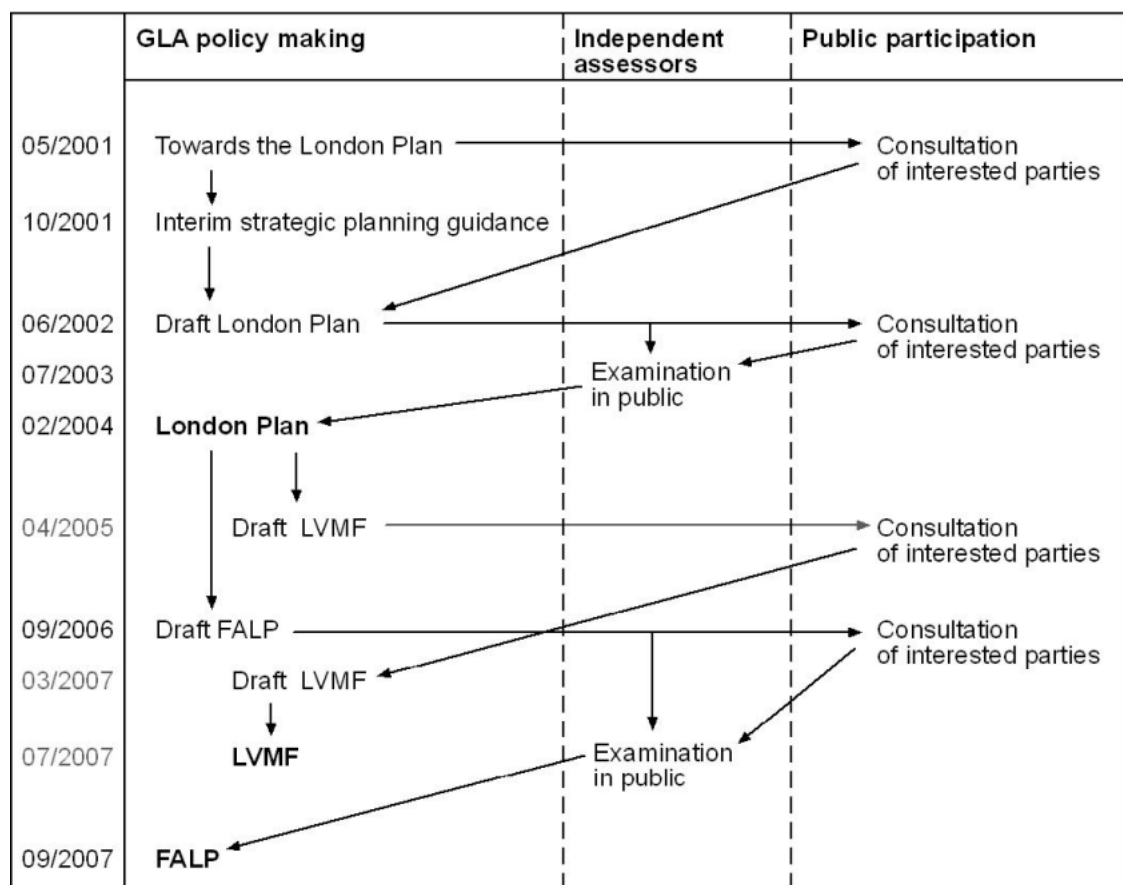


Figure 1: Policy making stages of the London Plan and the London View Management Framework.

2.1 The emergence of divergent positions towards tall buildings

This section examines the reasoning behind the positions of the different groups, those promoting and those opposing tall building development in the early years of Ken Livingstone's era as Mayor of London between 2000 and 2001. The documents that most clearly exemplify these positions are the Interim strategic planning guidance on tall buildings, strategic views and the skyline of London (GLA 2001b), published by the Greater London Authority in October 2001, and Sky space around London's inner parks: A contribution to the Greater London Authority's new Spatial Development Plan (Colvin and Moggridge 2001), submitted by the Royal Parks in July 2001. The positions set out as well as the rhetoric used in these documents is examined in terms of their meaning within these early stages of tall building planning in central London.

The mayor's position

In May 2001, Ken Livingstone, Mayor of London since April 2000, argued that tall building development was a central means for maintaining London's world city status (GLA 2001a). Without tall buildings, he argued, global corporations would locate their headquarters in other European cities. In the interim guidance, Livingstone defined his perception of the contribution that tall building development makes to the world city role of London (ibid.). Tall buildings, he argued, provide top quality floor space, clusters of tall buildings improve the skyline and free-standing tall buildings help to promote regeneration and identify important locations (ibid.). Concentrating new office floor space close to public transport infrastructure was determined as the strategic planning goal (GLA 2001b). The rhetoric using the metaphor of a world city is maintained throughout the London Plan policy making process, as is shown in the 2001 Towards the London Plan, the 2002 draft London Plan and the finalised 2004 London Plan (GLA 2001c; GLA 2002a; GLA 2004a). From this rhetoric resulted the claim that London needed to allow tall building development if it was to retain its world city status.

In May 2001, Ken Livingstone published Towards the London Plan: Initial proposals for the mayor's Spatial Development Strategy (GLA 2001c). Towards the London Plan contains only statements of general support for tall building development. Livingstone's policy agenda and strong support for tall building development was first set out in more

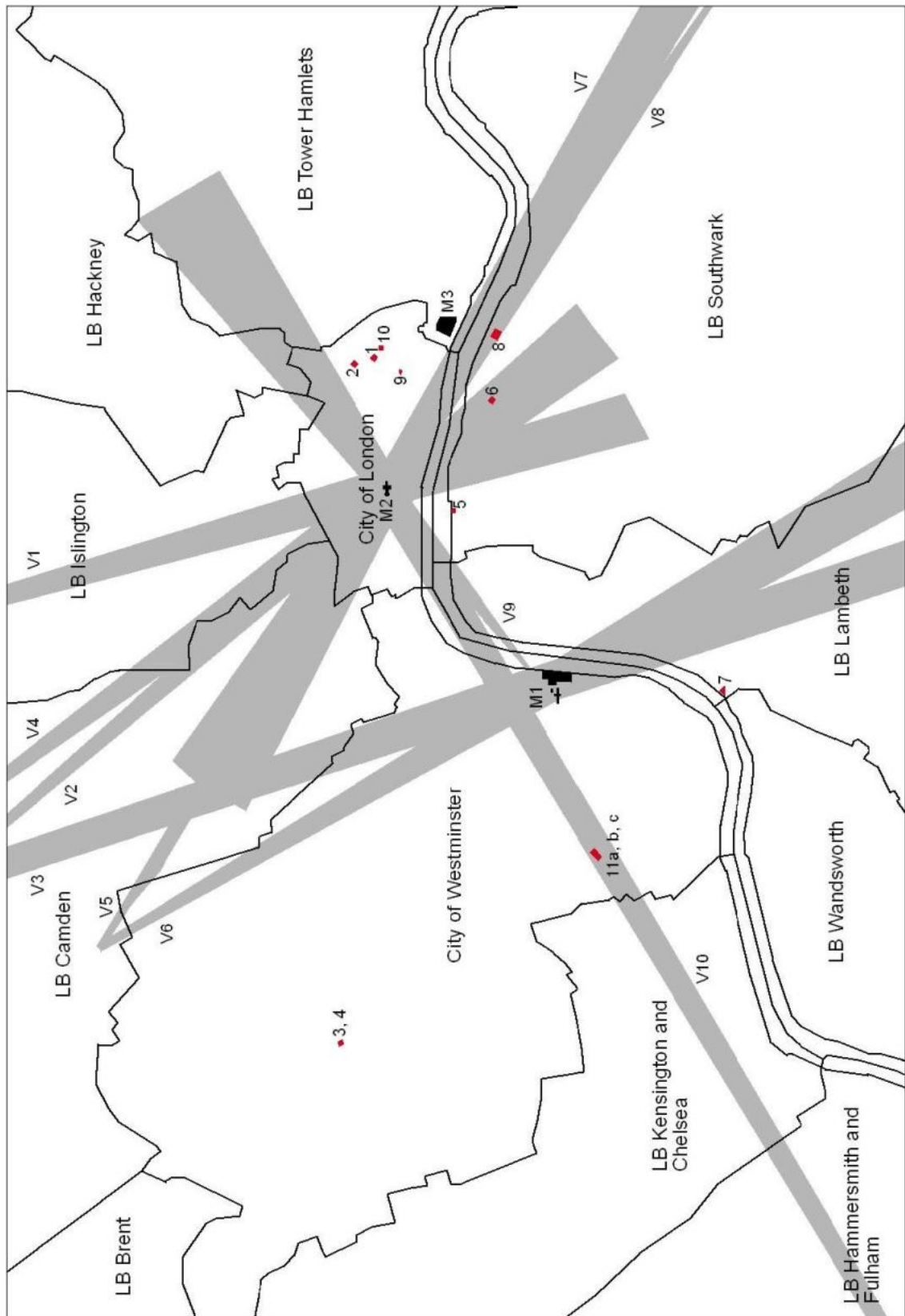
defined terms in the Interim strategic planning guidance on tall buildings, strategic views and the skyline of London (GLA 2001b). In the introductory statement, Livingstone addresses the parties objecting to his supportive approach to tall building development.

This of all my proposed planning policies has attracted the most interest from the media and from other interested parties – particularly those who wish to object to my views – or misrepresent them as a dire threat to life as we know it. Some objectors have claimed that my policies would allow us to recreate Manhattan in London, or turn Hyde Park into Central Park, with a ring of tall buildings all around. These are false claims. Policies will remain in place to protect conservation areas and strategic views although I am reviewing these policies to ensure they are not over-restrictive. (GLA 2001b: 3)

In 2000 and during the mayoral election campaign, Ken Livingstone had announced that he would support tall building projects as clusters and as stand alone buildings and that he had 'no objection to London having the tallest of buildings' (ibid.: 3). Although the interim guidance contained statements by the mayor that tall buildings would be located in the City of London and Canary Wharf, map 2 shows that tall building proposals were located in the City of London but also in North Lambeth and Southwark, as well as in the City of Westminster. Furthermore, map 2 also shows that tall building projects were being proposed in visual distance to the Palace of Westminster, the Tower of London, St Paul's Cathedral and St James's Park. Therefore, the statement that new tall buildings would only be located in the City and Canary Wharf was not substantiated.

The interim guidance stated that the projects of London Bridge Tower, Vauxhall Tower, Tate Tower and Paddington Station tower were being tested by Livingstone, that he supported the projects and that he did not want to hold up these developments based 'on the grounds of prematurity' (GLA 2001b: 6). Prematurity occurs when a decision to grant planning permission is made regarding a project that will determine the meaning and impact of a policy that is not yet published in a finalised version (ODPM 2005a). Furthermore, the interim guidance also contained a visual assessment of the Heron Tower project which was about to be subjected to a public inquiry in October 2001, immediately after publication of the interim guidance. It was stated that with the proposed Heron Tower, while reducing the amount of sky space in the background of St. Paul's Cathedral, enough sky space would be left to maintain the monuments' visual integrity on the skyline. Due to the high architectural quality of the building, Livingstone concluded that the visual impact would be beneficial (GLA 2001b). The

Heron Tower was granted permission by the City of London just a month after the publication of Livingstone's initial statement in favour of tall buildings, but in February 2000 it was immediately called in by the Secretary of State following a request by English Heritage (PINS 2002a). Since Livingstone had already given his agreement to support the projects mentioned above, he had to keep his word and shape regional policy and guidance so that the projects could be granted planning permission. Consequently in terms of future policy guidance, Livingstone stated that the RPG3A viewing corridors might be narrowed and that wider setting consultation areas and backdrop assessments might be unnecessary (GLA 2001b).



Map 2: RPG3A viewing corridors and significant monuments in spatial relation to tall building proposals around 2001. The drawing is based on the map included in the RPG3A (GOL 1998).
Source: Author

Key to map 2

Tall building projects consented or proposed around 2000 to 2001

1	30 St Mary Axe
2	Heron Tower
3	Paddington Basin
4	Paddington Station Tower
5	Tate Tower
6	London Bridge Tower
7	Vauxhall Tower
8	Potter's Fields
9	51 Lime Street
10	Minerva Tower
11a-c	Victoria Transport Interchange buildings

Central London's key monuments

M1	Palace of Westminster
M2	St. Paul's Cathedral
M3	Tower of London

View corridors protected through RPG3A

V1	Alexandra Palace towards St. Paul's Cathedral
V2	Parliament Hill to St. Paul's Cathedral
V3	Parliament Hill to the Palace of Westminster
V4	Kenwood to St. Paul's Cathedral
V5	Primrose Hill to St. Paul's Cathedral
V6	Primrose Hill to the Palace of Westminster
V7	Greenwich Park to St. Paul's Cathedral
V8	Blackheath Point to St. Paul's Cathedral
V9	Richmond Park to St. Paul's Cathedral
V10	Westminster Pier to St. Paul's Cathedral

Heritage groups' position

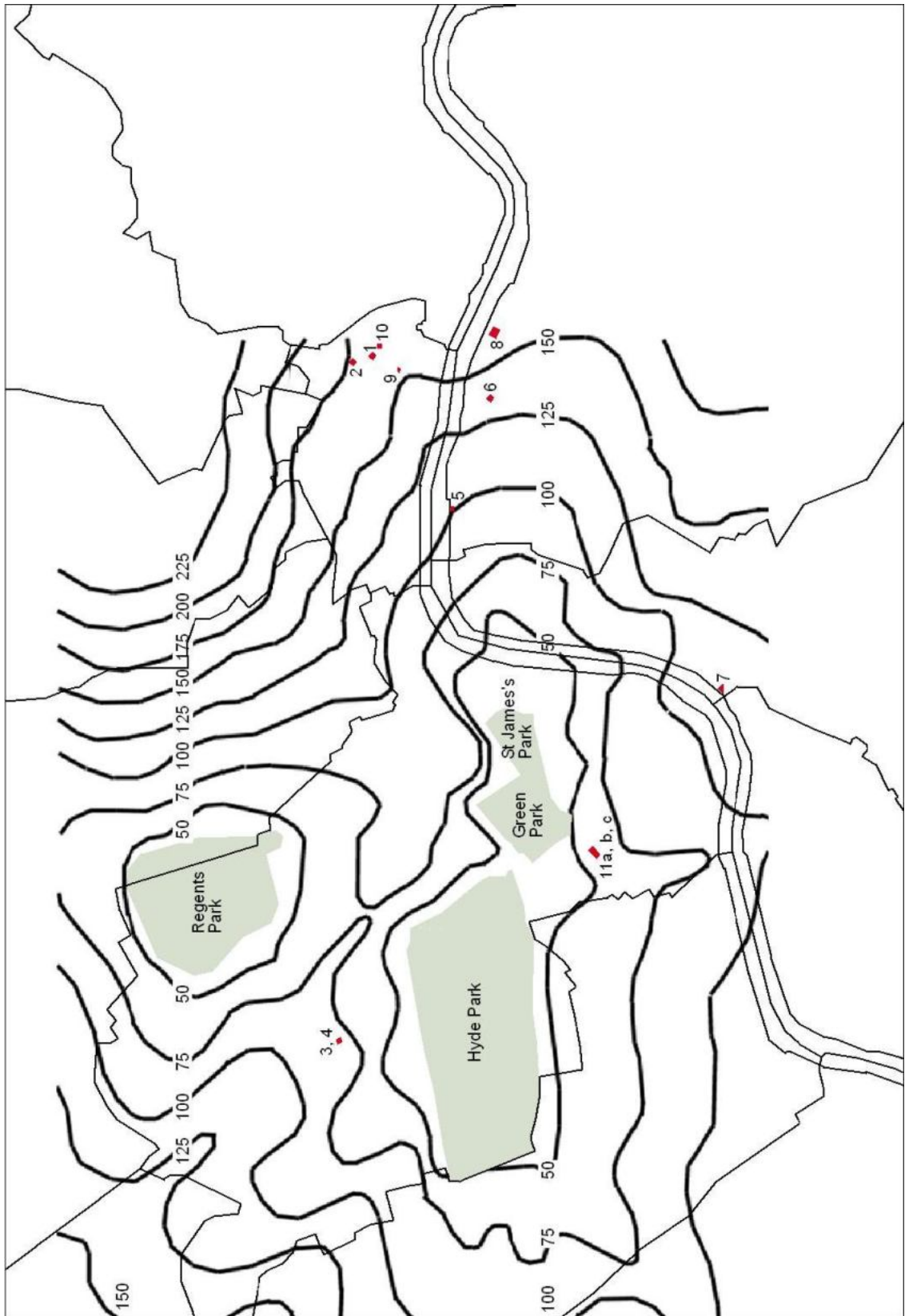
In July 2001, Colvin and Moggridge, landscape architects appointed by the Royal Parks to protect their interests, published *Sky space around London's inner parks: A contribution to the Greater London Authority's new Spatial Development Plan*, expressing concern that central London's Royal Parks would be harmed by the visibility of tall buildings (Colvin and Moggridge 2001). The PPG 15 introduced the assessment criteria that development should preserve and enhance conservation areas (Department of the Environment 1994). If it were not possible to establish proof that this was the case then it must be concluded that a development, such as a proposed tall building, harms the conservation area. The position of opponents of tall buildings is directly opposed to Ken Livingstone's approach.

The sky above these contours (mAOD) needs to be kept open to protect the integrity of the inner London Parks. Any buildings which rise above these levels diminish the parks. (Colvin and Moggridge 2001: Map 6)

The position of the Royal Parks was that the integrity of the Royal Parks can only be protected if the sky space visible from within the parks is kept unobstructed from buildings (ibid.). From this point of view, every building that is visible from within any of the central London parks harms the setting of the parks, implying material harm, and therefore these buildings are unacceptable. Map 3 displays the spatial relationship between the sky space defined by Colvin and Moggridge and proposals for tall buildings that were in discussion at the time of the publication of the interim guidance. The tall buildings that had been proposed or were under discussion: i) in the City of London, the Heron Tower at 183 metres and the Minerva Tower at 217 metres; ii) in the LB Southwark, the London Bridge Tower at 305 metres; iii) in the LB Lambeth, the Vauxhall Tower at 180 metres; and, iv) in the City of Westminster, as well as two tall buildings at Paddington Station at 40 and 42 stories high.

A comparison of these building heights with the height thresholds of the contour lines in map 3 reveals that all of these projects would have been too tall to meet the proposed regulations set out by Colvin and Moggridge. Therefore, all of the projects mentioned above would have been rendered unacceptable if a decision maker followed the Royal Parks' contour approach. This radical position was shared by English Heritage, as proven through a Mori report (English Heritage 2000a), and was the position taken later in the consultation process regarding the 2002 draft London Plan (GLA 2003b). In June

2001, English Heritage published another Ipsos Mori report which argued that the majority of the English population did not want tall buildings in London and that visual protection through the RPG3A of the important monuments such as St Paul's Cathedral and the Palace of Westminster should remain in place as it was (English Heritage 2001). The position that no tall buildings might be acceptable was shared by the Prince's Foundation, the Westminster City Council (WCC) and the Historic Royal Palaces (GLA 2003b).



Map 3: The contour map proposed by Colvin and Moggridge in spatial relation to tall building proposals. The drawing is based on the map contained in the document, *Sky space around London's inner parks: A contribution to the Greater London Authority's new Spatial Development Plan* (Colvin and Moggridge 2001: map 4). Source: Author

Key to map 3

Tall building projects consented or proposed around 2000 to 2001

1	30 St Mary Axe
2	Heron Tower
3	Paddington Basin
4	Paddington Station Tower
5	Tate Tower
6	London Bridge Tower
7	Vauxhall Tower
8	Potter's Fields
9	51 Lime Street
10	Minerva Tower
11a-c	Victoria Transport Interchange buildings

The meaning of the positions for the London Plan process

In order to understand these initial positions to tall building development by the supportive GLA and Mayor Livingstone and the opposing heritage groups, it first has to be established what the planning goals of the opposing camps were. Academics have argued that in the London Plan, the mayor permitted increases in density—and therefore supported tall building developments—in return for requesting significant contributions from developers towards affordable housing (Ross 2001; Thornley et al 2005; Gordon 2003; McNeill 2002). In my interviews, experts involved in the London Plan process on behalf of the GLA made the same argument. The rationale was that developers would provide affordable housing through Section 106 (S106) agreements and Livingstone would in turn support the tall building projects proposed. Acquiring significantly high S106 contributions were one of the goals advocated by the Urban Task Force Report that has repeatedly been stressed by the House of Commons, governmental reports and the DCLG (Urban Task Force 1999; House of Commons 2002; DCLG 2007a). Therefore, it can be argued that Livingstone was trying to address an emerging problem—that of an expected shortfall in housing.

As the quote from the interim guidance cited above shows, Livingstone rendered the arguments of objectors to tall building development as false and as overstatements (GLA 2001b). Therefore, it must be established whether the claims of objectors were based on sound reasoning and facts. As map 2 shows, the precedent projects of Heron Tower, Vauxhall Tower and the London Bridge Tower, supported by Livingstone, would be visible either in views towards or from within the most significant monuments of central London, St Paul's Cathedral, the Palace of Westminster and the Tower of London. Furthermore, reports from the 1960s show that decision making bodies at that time also sought to ensure that tall buildings were of the highest design quality and located in appropriate locations (RFAC 1962). However, later reports argued that many of the tall building projects permitted then had negative visual impacts and were of poor architectural quality, concluding that policy and regulation used then had not led to high quality development (Parker and Catchpole 1984; Catchpole 1987). Map 3 shows that tall buildings proposed since 2000 were not placed immediately around the parks. In the 1970s, tall buildings were located in close proximity to the Royal Parks (see Catchpole 1987 and Parker and Catchpole 1984). Looking at the details of claims such as those of the Royal Parks that the parks would soon resemble New York's Central Park, it must be concluded that these were overstatements.

In terms of Livingstone's strong support for tall building projects the interim guidance also contained the important aesthetic argument that tall buildings were a crucial component of London's world city image (GLA 2001b). The world city rhetoric stems from observations of the financial markets of cities such as New York or Paris (McNeill 2002a). It also appears plausible to follow the line of reasoning of McNeill (2002b) and Tavernor (2007a) who argued that Livingstone perceived tall buildings as a key factor in producing the visual image of a world city skyline. Buck (2002) has argued that one of Livingstone's major concerns was the symbolic image of London. However, the world city rationale did not withstand the scrutiny of the House of Commons panel and expert witnesses. The persuasively constructed argument that tall buildings were necessary for London's future development was refuted (House of Commons 2002). Indeed, it was concluded that tall buildings made a very limited contribution to the agenda of an urban renaissance (*ibid.*). In addition, the 1999 Urban Task Force Report argued that high density development can also be achieved through mid-rise development (Urban Task Force 1999). However, the House of Commons maintained that the fact that some people, such as Mayor Livingstone, enjoy the sight of tall buildings is an argument in favour (*ibid.*). The world city thesis alone is too simplistic for a complete discussion of the role and impact of tall building development.

To sum up this section, heritage groups perceived Livingstone's 2001 approach to tall building policy and implementation as an act of deregulation threatening their positions to safeguard central London's heritage assets. As a result, heritage advocacy groups sought to promote the position of ruling out the visibility of tall buildings across central London, intending to threaten the success of tall building applications. In terms of conflict resolution, the two opposing positions were mutually exclusive. Thus, the stage was set for an exacerbation of conflict between supporters and opponents of tall building development.

2.2 The London Plan 4B policies

The interim guidance and Towards the London Plan had provoked detailed responses from heritage groups in 2001. The next step in the development of the London Plan policy process was the publication of a draft policy in 2002—the draft London Plan (GLA 2002a)—the precursor to the finalised London Plan (GLA 2004a). As part of the policy making process, Section 13 of the 1990 Town and Country Planning Act requires that every person is given the opportunity to make a representation for or against the proposed draft policy (OPSI 1990a). Once a draft version of a policy has been produced, stakeholders are asked to submit written representations commenting on the impact of the policy on their interests. This consultation process is carried out by the relevant regional or local planning authority (*ibid.*). Within the process of the Examination in Public (EiP)—as defined in Section 20 of the act—government appointed inspectors from the Planning Inspectorate examine the draft policy in conjunction with objections and concerns raised within the consultation process (*ibid.*). Based on the inspectors advice, the Secretary of State then has the power to make directions for amendments to the proposed development plan (*ibid.*).

This section examines the meaning of the 4B policies of the draft London Plan, and in particular a key paragraph of Policy 4B.8 which deals with locations for tall buildings, as well as the spatial definition of the Central Activities Zone (CAZ) which is related to this policy. The positions taken by heritage groups and private developers and those taken by the examiners in the EiP to these policies within consultation responses are considered. Finally, the meaning of those policies is discussed with regard to the issues of the central requirement of planning law for a plan-led approach in relation to the content of the policies, i.e. by providing flexibility for developers, and the impacts of tall building proposals in the planning process during the consultation phase. Furthermore, the impact of the development and the contents of the emerging London Plan for the No.1 Blackfriars Road project are assessed.

The development of the London Plan 4B policies

Regarding tall building development, Section 4B of the 2002 draft London Plan contains policies regulating aspects of architectural and urban design, including tall building development. Among the 4B policies, 'Policy 4B.8 Tall Buildings – location'

gained particular importance and, within the consultation process, interested parties sought to influence the shaping of this policy in divergent ways. Policy 4B.8 states:

Tall buildings will be particularly appropriate where they create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activities or act as catalyst for regeneration.

Major clusters could be located in the Central Activities Zone and the Isle of Dogs and either clusters or stand alone tall buildings in some Opportunity Areas, including Paddington, Waterloo, London Bridge, Stratford, Elephant and Castle, and Croydon. (GLA 2002a: 248)

At the time of publication of the draft London Plan, a large number of tall buildings were in the midst of implementation processes.²⁰ The proposed Central Activities Zone (CAZ) covered most of the City of London, approximately half of the City of Westminster, large areas in the London Boroughs of Camden, Tower Hamlets, Southwark and Lambeth, as well as smaller areas of the London Boroughs of Hackney and Kensington and Chelsea (ibid.: 52) (see map 4). Based on the proposed policy 4B.8, tall building development would have been appropriate in most areas within the CAZ. This approach stood in strong contrast to the constraints proposed by the RPG3A and in particular those proposed through the Royal Parks contour map. Although the Royal Parks contour map would have allowed buildings higher than 150 metres in the Eastern Cluster in the City of London, these would have been visible in views from the Tower of London outwards and would have been perceived to be unacceptable by the Historic Royal Palaces and English Heritage. Following the publication of the 2002 draft London Plan, stakeholders had the opportunity to respond to the proposed policies in writing. Consultation responses to the 2002 draft London Plan were published by the GLA in January 2003 (GLA 2003a). Evidentially, heritage groups were aware of tall building proposals in 2003 since Stage 1 reports containing assessments of the proposed tall building projects had been published by the GLA.²¹

Heritage groups strongly argued against the contents of Policy 4B.8. The City of Westminster took the position that there were very few areas which are appropriate for tall buildings in Westminster (ibid.). Tall buildings had been proposed in the

²⁰ Map 4 shows the locations of these tall building proposals and the outlines of the proposed CAZ (grey) and Opportunity Areas (indicated through dotted outlines).

²¹ Stage 1 and 2 reports regarding tall building proposals were published by the GLA. These were: Paddington Basin (GLA 2002c), Commercial Street Tower (GLA 2002d), 51 Lime Street (GLA 2002e), Vauxhall Tower (GLA 2002f), Minerva Tower (GLA 2002g), Potters Fields (GLA 2002h), London Bridge Tower (GLA 2002i) and Middlesex Street (GLA 2002j).

Westminster areas of Paddington Station (3) and Victoria Station (11). English Heritage perceived 4B.8 as overly permissive regarding tall buildings and argued that it did not clearly define which exact locations were suitable (ibid.). Similarly, the LB Lambeth and ICOMOS UK objected and argued for the use of contextual assessments in order to determine tall building locations (ibid.). ICOMOS was concerned about tall building proposals which they feared would impact on the Tower of London (see map 4, numbers 6, 8 and 10) (ibid.). The most radical position was taken by the Prince's Foundation stating that tall buildings will not be appropriate in most locations (ibid.).

On the other hand, developers were very supportive of the 4B policies, and Policy 4B.8 in particular. The developers, Land Securities, British Land, Legal and General, Sellar Property Group, Berkeley Homes and Minerva Plc, were proposing tall buildings and argued in support of the draft London Plan policies in the consultation process (ibid.). There is also evidence of controversy between the GLA and local boroughs regarding the appropriateness of tall buildings south of the River Thames. After the consultation process regarding the draft London Plan and prior to the publication of the finalised London Plan in 2004, the LB Lambeth refused to grant planning permission to the Vauxhall Tower (number 7 in map 4) in 2003 which led to an appeal procedure in 2004 (PINS 2004a). The LB Lambeth and Westminster City Council appeared at the appeal against the developer, St George's Plc (a sub-division of the developer, Berkeley Homes), and the GLA (ibid.). Deputy Prime Minister and Secretary of State John Prescott granted planning permission, overruling the recommendation for refusal by the planning inspector (ODPM 2005e).

The proposed 2002 draft London Plan and the arguments made within the consultation process were scrutinised in the EiP process which started in March 2003 and which resulted in a report in July 2003. The policies determining the quality of architecture, mixed use development and an increased density level around transport nodes were supported with minor amendments by the examiners (Richardson and Simpson 2003). Policy 4B.8 was found to lack coherence. The examiners noted that the mayor was aware that only parts of the CAZ would be appropriate for tall buildings (ibid.). English Heritage's objection to the requirement for local boroughs to promote tall building development, contained in Policy 4B.8, was successful. The examiners recommended rewording the policy so that the mayor would be strictly bound by his own policies, but some leeway would be given to local boroughs to decide for themselves in which

locations they would want to promote tall building development and where to restrict them (ibid.).

The meaning of the 4B policies

According to the principles of the 1990 Town and Country Planning Act, a plan-led approach had to be adopted necessarily. This means that to be lawful, the regional development plan—the London Plan in this case—had to reflect the policies of national government (OPSI 1990a; ODPM 2005a). In the academic literature, there are two prevailing views regarding the meaning of the 4B policies. On the one hand, it has been argued that both the emerging and finalised London Plan are based on the focus on good architectural and urban design contained in the Urban Task Force Report and By Design published jointly by the DETR and CABI (Tavernor 2004a and 2007b). On the other hand, it has been argued that it was Livingstone who framed the debate about the London Plan with the focus on high quality architecture and urban design, and that Livingstone and Rogers were the main promoters of that approach, which was entwined with tall building advocacy (Charney 2007).

The contents of the '4B.1 Design for a compact city', 4B.2 'Promoting world class architecture and design' (GLA 2002a: 241) and '4B.3 Maximising the potential of sites' policies (ibid.: 243) show that the design criteria of the draft London Plan were based on the national planning agenda, which puts high quality of architecture and urban design at its centre, as set out in the 2000 White Paper and the Urban Task Force Report which later became enshrined in the Planning Policy Statement 1: Delivering Sustainable Development (PPS1) (ODPM 2005c). Policy 4B.3 requires development proposals to achieve the highest possible density in as far as density could be supported by a local context and transport capacity. Tall building development is legitimate if it maximises the density potentials of sites where public transport can support higher capacities. Furthermore, tall building proposals have to be designed to enhance the public realm and achieve the highest architectural standards. Policies 4B.1, 4B.2 and 4B.3 are manifestations of the agenda of the 2000 White Paper (DETR 2000b) which is fully based on the Urban Task Force Report from 1999 (Urban Task Force 1999). The draft London Plan incorporates the same value hierarchy: good architectural and urban design is paramount in matters of planning. This confirms the conclusion that the 4B policies of the London Plan were fully based on the Urban Task Force Report, the 2000 White Paper and emerging national policy. In legal terms, therefore, the incorporation

of the central values of good architecture and urban design, as well as the densification around transport nodes follow the policy hierarchy demanded through the plan-led system.

It is not the foregrounding of the quality of architecture alone, but rather the designating of the whole of the CAZ as appropriate for tall building development which is the most significant attempt at tall building advocacy. In her assessment of the 2004 London Plan, Nicolaou concludes that strategic advice on how to determine tall building locations is contained in it but preferred locations are not specified (Nicolaou 2004).²² The 2003 Guidance on Tall Buildings (GOTB) opposes this, requiring governmental decision makers to support tall buildings only where these contribute to the consolidation of clusters. Stand alone buildings would not be acceptable (English Heritage and CABE 2003). While the encouragement of tall building development in the whole of the CAZ as proposed through the draft London Plan (GLA 2002a) was limited in the EiP, it was not determined how appropriate locations for tall buildings should be designated. Doing so, the EiP examiners granted discretion to regional government to determine for themselves how appropriate locations should be identified. Discretion on regional and local levels is one of the central goals of the plan-led system (Tewdwr-Jones 2002). In this case, this led to a trade-off on discretion for conflict resolution. The conflict about determining appropriate tall building locations was not resolved while discretion was maintained.

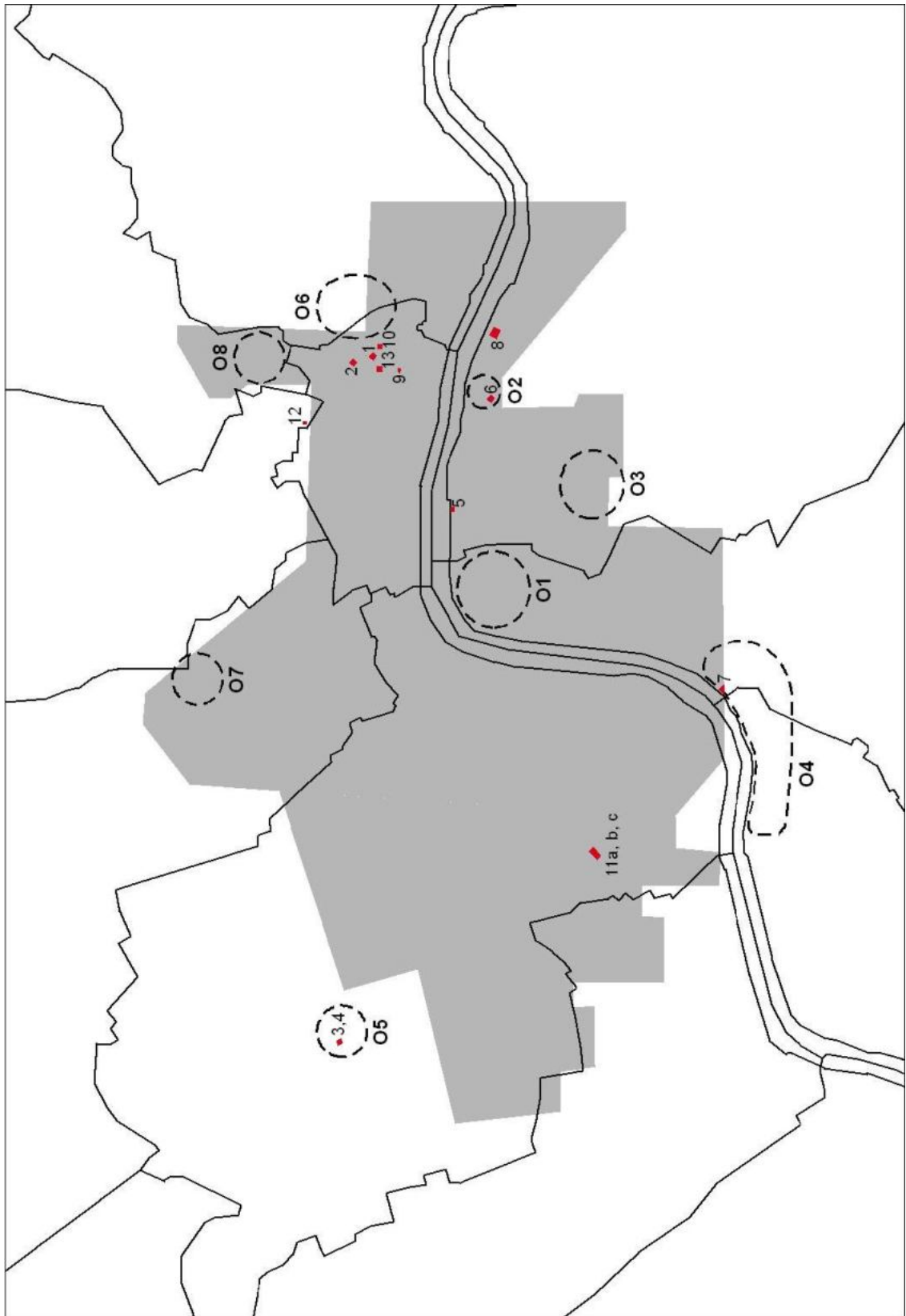
Policy 4B.8 was produced to allow and even encourage, tall building development in the whole of the CAZ as well as in Opportunity Areas so that developers could propose these wherever they identified opportunities for financial gain, thereby making a tall building a viable option. It was not predetermined in which locations tall buildings were appropriate. Developers have argued in interviews that the financial viability of tall building projects depends on the availability of suitable sites. Furthermore, it has been argued by experts in interviews that sites need to be available at a price that allows the achievement of significant financial gain so that taking the risks involved in tall building development are justified.

²² Short concluded that in other English cities, such as Liverpool, Manchester, Birmingham and Newcastle-upon-Tyne, policies that define precise areas appropriate for tall buildings have not been developed (Short 2007).

Designating the exact extent of tall building locations would have counteracted the flexibility needed by developers. The proposed CAZ in conjunction with Policy 4B.8 provided for this flexibility.

Within this rationale, the struggle between the GLA and the City of Westminster, the LB Islington and the LB Lambeth about the designation of locations appropriate for tall buildings is directly linked to the tall building projects being proposed. Map 4 shows that a large number of the projects proposed during the writing of the 2002 draft London Plan were for stand alone buildings that would not contribute to the consolidation of clusters. If any of these projects had been granted planning permission, the responsible LPA and opposing heritage groups would have stood very little chance of arguing against other tall buildings proposed in the immediate vicinity. An important principle of UK planning law is that existing grants of planning permission which are directly related to a proposed project are material considerations and future decisions have to be consistent with previous decisions (PINS 2010a). Therefore, a precedent decision would have been set that would have provided the opportunity for developers and other supporters of tall buildings to argue that future decisions should be based on previous decisions and that therefore planning permission should be granted.

The planning process for No.1 Blackfriars Road took place later, in early 2004. However, the development of these central London Plan policies had significant impacts on this case. Exact boundaries of locations appropriate for tall buildings were not defined. This made it possible to propose tall buildings at Blackfriars Road. Furthermore, the principle of quality of architecture and urban design was enshrined in the London Plan and supported within the EiP (Richardson and Simpson 2003). The proposal for No.1 Blackfriars Road as indeed all of the tall building projects proposed, and in particular when these were subject to high levels of controversy, had to be designed to the highest standards and regional and local governments as well as quangos had to affirm this. The related processes regarding the assessment of architectural and urban design quality is addressed throughout the rest of the thesis. The ambiguous nature of designating locations appropriate for tall buildings became an issue of particular importance during the planning process of No.1 Blackfriars Road. Opponents of the project challenged it on the grounds that no specific tall building policy had been produced for this specific site, thereby causing a public inquiry (GOL 2008a).



Map 4: The policy proposal of the draft London Plan regarding the CAZ and Opportunity Areas in relation to proposed tall building projects in 2002, 2003. The area covered by the CAZ is represented in grey, while the proposed Opportunity Areas are shown as dotted circles. The drawing of the CAZ area is based on the map contained in the draft London Plan (GLA 2002a: 52).
Source: Author

Key to map 4

Tall building projects proposed up to 2002

1	30 St Mary Axe
2	Heron Tower
3	Paddington Basin
4	Paddington Station Tower
5	Tate Tower
6	London Bridge Tower
7	Vauxhall Tower
8	Potter's Fields
9	51 Lime Street
10	Minerva Tower
11a-c	Victoria Transport Interchange buildings
12	Ropemaker Place
13	122 Leadenhall Street

Proposed Opportunity Areas

O1	Waterloo Opportunity Area
O2	London Bridge Opportunity Area
O3	Elephant and Castle Opportunity Area
O4	Vauxhall/Nine Elms/Battersea Opportunity Area
O5	Paddington Opportunity Area
O6	Whitechapel/Aldgate Opportunity Area
O7	Kings Cross Opportunity Area
O8	Bishopsgate/South Shoreditch Opportunity Area

2.3 The key experts drafting the London Plan

This section discusses the effects of the key experts who were involved in the writing of the London Plan as advisors to Mayor Ken Livingstone and the GLA. Primarily, the discussion focuses on the prominent architect, Richard Rogers, Lord Rogers of Riverside, and head of the Richard Rogers Partnership (RRP). In relation to key positions held at the GLA, academics have identified Nicky Gavron, who held the position of deputy mayor from 2000 until 2003 (West et al 2002). Judith Mayhew became head of spatial development, while she had been the political leader of the Corporation of the City of London previously (Thornley et al 2002; McNeill 2002a). Besides Rogers, Ricky Burdett, then Professor of Urbanism at the London School of Economics, and who also contributed to the Urban Task Force Report under the leadership of Rogers, became 'architectural advisor to the mayor of London' (LSE 2009a).

However, the most important role in the GLA besides the mayor was held by Lord Rogers of Riverside who became 'Chief Advisor to the Mayor on Architecture and Urbanism' (GLA 2002a: x). Rogers was the chairman of the Urban Task Force (Urban Task Force 1999). McNeill reports that the Greater London Assembly criticised and questioned the appointment of Lord Rogers (ibid.). Charney insinuates that Livingstone's support of Rogers' design of the tall building, 122 Leadenhall Street in the City, might have been due to Rogers' role as mayoral advisor (Charney 2007). Not only was Lord Rogers appointed to this leading role at the GLA, he also is an acclaimed architect with a significant amount of large-scale projects in London, including tall buildings. Furthermore, he has also published widely on issues of urbanism and gained an international reputation as an urbanist (Polina 2007). Due to the selflessness principle of the Nolan Report, holders of public office should not seek to achieve financial gain or material benefits for themselves or for people related to them (Nolan 1997a). Therefore, the question arises of how the leading role taken by Lord Rogers impacted on the planning process for tall buildings. Furthermore, since insinuations of potential favourable treatment have been voiced by academics, I will consider whether Rogers maintained selflessness within his key position at the GLA.

The debate about Lord Rogers' role at the GLA

In February 2001, a debate emerged between the mayor and members of the Greater London Assembly about the involvement of Lord Rogers as mayoral advisor because he was a practising architect in London at the same time (Greater London Assembly 2001). Articles in the Architects' Journal reported on allegations of conflicts of interest regarding Richard Rogers' role as mayoral advisor (Booth 2001; Taylor 2001). Furthermore, arguments inside the GLA planning division over Rogers' official appointment as advisor while being involved in major master planning projects were the subject of discussion in the media (Booth 2001). The GLA reacted in September 2001 with a report on Richard Rogers' contract with the GLA and the means to avoid actual conflicts of interest (Brown 2001a). In order to avoid conflicts of interests in relation to Lord Rogers, Professor Malcolm Grant, an independent member of the Standards Committee, was appointed to monitor the projects by RRP in relation to his work at the GLA (*ibid.*). Grant stated that the Greater London Assembly should not 'approach these potential conflicts of interest from a perspective of deep rooted suspicion but rather should start from the assumption of honesty' (Brown 2001b: 4.1.). Grant's role in monitoring Rogers' work was to ensure the avoidance of financial gain by Rogers through his involvement in GLA decision making and thereby safeguard the GLA from damaging accusations (*ibid.*). However in 2002, conservative members of the Greater London Assembly argued that the proposed paid consultancy role of Rogers represented a conflict of interest issue, taking into account his work as an architect in London and his unpaid advisory role to the mayor (Greater London Assembly 2002). The report on Rogers' contract also points out the significant importance of Rogers' expertise gained from chairing the Urban Task Force for developing the London Plan (Brown 2001a).

At the hearing to the House of Commons report on tall buildings, SAVE Britain's Heritage argued that the 'mayor, the Corporation of London, big business and architects have a relationship which can only be described as cosy' (House of Commons 2002: 31). English Heritage, the Conservative Group of the Greater London Assembly and the London Forum of Amenity and Civic Societies argued that there was a lack of accountability in the policy making process of the London Plan (*ibid.*). The House of Commons, however, referred to the possibility for public scrutiny during the consultation process and the Secretary of State's right to direct changes to the emerging London Plan (*ibid.*). Deputy Prime Minister John Prescott, occupying the position of Secretary of State at the time, argued in favour of Livingstone's pro-tall building

policies (ibid.). In subsequent public inquiries, Prescott, acting as Secretary of State from May 1997 to May 2006, would support five major tall building cases and would refuse to call in the controversial Bishopsgate Tower (also known as the DIFA tower or Pinnacle) located in the City of London.²³ It was also supported strongly by Livingstone and the GLA, as is evident in the Stage 1 report (GLA 2005g).

The need for expertise versus perceptions of conflicts of interest

As a starting point for the discussion of the impact of Lord Rogers within the London Plan process and his key advisory role within the GLA, the insinuation included in Charney's article (2007) that tall building projects designed by RRP might have been treated favourably is taken. If proven to be correct in practice, this would have been a serious accusation, and indeed a breach of the principles of public life. Crucially, the Nolan Report demands that '[h]olders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties' (Nolan 1997b: 1). Lord Rogers, however, has long been a highly prominent architect in Britain and internationally. Indeed, the Richard Rogers Partnership (RRP) has worked on the tall building projects of 122 Leadenhall Street in the City of London, Paddington Basin (Merchant Square) in the City of Westminster and 360 London in the London Borough of Southwark (see appendix 2 for more details on the projects). RRP has also worked on tall building projects at Canary Wharf: Riverside South and Heron Quay West. However, projects located at Canary Wharf are not the subject of this thesis. Furthermore, Rogers' architectural practice had been commissioned for large master planning projects such as the Tate Bankside master plan, Greenwich Peninsula master plan and the Paddington Basin master plan. Therefore, there was the potential for conflicts of interest on the part of Lord Rogers due to his dual role, as also confirmed by Professor Grant from the Standards Committee (Brown 2001b).

However, it needs to be established whether there actually was favourable treatment by the GLA of the projects Rogers was involved in. As part of Lord Rogers' contract, a report of projects had to be sent to Officer Richard Brown from the Architecture and Urbanism Unit of the GLA so that any potential conflict of interest could be identified (Brown 2001b). Furthermore, every instance in which Lord Rogers was involved in an

²³ These precedent tall building public inquiries were: Heron Tower (2001), London Bridge Tower (2002), Tate Tower (2003), Potters Fields (2005) and Vauxhall Tower (2005).

advisory capacity to local boroughs had to be reported (ibid.). In the event that RRP became involved in 'any site Rogers is engaged on behalf of the GLA', he was required to withdraw from his GLA involvement (ibid.: 2.4). Therefore, due to the potential for conflicts of interest arising from the dual roles of Rogers, a very high level of scrutiny was applied.

GLA assessments of the three tall building projects designed by RRP can be compared with the range of tall building projects proposed in central London between 2000 and 2008. The Paddington Basin master plan project was described as high quality urbanism, acceptable visually within views and situated within an appropriate location for tall buildings (GLA 2002l). Some reduction in height was seen as a positive amendment (ibid.). 122 Leadenhall Street was also described as high quality architecture and situated appropriately due to its location within the existing Eastern Cluster in the City of London (GLA 2004b). It was concluded that the project was acceptable visually due to the precedents set by the 30 St Mary Axe and Heron Tower, projects which are located in close proximity (ibid.). 360 London was also described as high quality architecture, located appropriately in relation to the Elephant and Castle master plan and acceptable visually (GLA 2008b). Improvements to the ground floor design were demanded (ibid.). As appendix 4 shows, more than 50% of the projects assessed by the GLA were described as high quality of design (21% as highest design quality and 4% as world class design). Only in 18.5% of all the cases were improvements to the urban design recommended and 360 London was one of those. The assessments of the visual impact of the RRP projects were on average, with 52.5% being described as acceptable within views. The assessments of the suitability of the locations were also on average. In 39.5% of all cases, the locations were found to be suitable. In 18.5% of the cases, the locations were justified on the basis that they consolidated an existing cluster. In conclusion on the issue of favourable treatment, no evidence can be found that the projects RRP was involved in were treated favourably. The assessments of the projects appear to have been evaluated very similarly when compared with the forty-three tall building projects proposed overall in central London between 2000 and 2008. In the end, the GLA was supportive of tall building projects throughout 2000 to 2008. Therefore, the fact that the projects RRP was involved in were supported does not represent a deviation from the average.

It must also be doubted whether RRP had a competitive advantage over other architectural firms in the tall building sector due to Rogers' involvement in the GLA. As has been described above, RRP worked on three tall building projects. In comparison to this, Foster and Partners were commissioned for five tall building projects (30 St Mary Axe, 51 Lime Street, Walbrook Square, Bishops Place Building 3 (Northgate) and Hampton House Redevelopment). Kohn Pedersen Fox (KPF) also worked on five tall building projects (Heron Tower, Bishopsgate Tower and Victoria Transport Interchange Building 2, 7 and 7a). Wilkinson Eyre worked on four projects (Victoria Transport Interchange Building 8, North East Quadrant Office and Residential Building and 20 Blackfriars Road). Allies and Morrison worked on three tall building projects (100 Bishopsgate, Elizabeth House and Eileen House).²⁴ This comparison shows that RRP was one of five international architectural firms with several commissions for tall buildings in central London.

The reasons for the appointment of Lord Rogers to key roles within the GLA are stated in the report to the Standards Committee regarding his contract. Malcolm Grant from the Standards Committee divides Rogers' role into three major parts: i) improving the quality of London's major developments in accordance with the Urban Task Force Report and the 2000 White Paper; ii) reviving London's public realm in particular in relation to quality in architecture; and, iii) promoting best practice in urban design at the policy level (Brown 2001b). Due to Rogers' leading role in the production of the Urban Task Force Report, he was able to bring significant experience to implementing the key principles of improving the quality of architecture and the public realm. Furthermore, as has been discussed in the previous section, the 4B policies of the London Plan were produced in conformance with the Urban Task Force Report.

In conclusion to this section, it has been shown that there was potential for conflict of interest regarding Lord Rogers' dual role as a key expert within the GLA and as a practising architect. However, actual favourable treatment by the GLA or the mayor in the assessments of projects RRP was involved in has not been proven. Concerns such as those as voiced by Charney (2007) that favourable treatment might have occurred in the case of 122 Leadenhall Street cannot be substantiated. Furthermore, there is a strong case for the need for the expertise of Rogers within the GLA, both in terms of implementing the Urban Task Force agenda and as a source of credibility for planning

²⁴ A comprehensive list of these projects and the private firms involved is included in appendix 2.

decisions, in particular in providing powerful evidence at public inquiries. It has also been demonstrated that due to the obvious potential for conflict of interest, Rogers' involvement in the GLA was subject to heightened scrutiny by the Standards Committee (Brown 2001a; 2001b).

However, and despite the scrutiny, when considering the temporal relationship between the conflicts of interest allegations and the measures taken by the GLA and the Standards Committee, it is evident that concerns regarding Rogers' role could not be removed completely. Accusations regarding Rogers' role were repeated in the House of Commons Report (House of Commons 2002). The Greater London Assembly also voiced new concerns in 2002 (Greater London Assembly 2002). Evidentially, the perception of conflicts of interest was maintained despite the scrutiny by the Select Committee and a lack of proof of misuse of powers. These incidents took place prior to the case study of No.1 Blackfriars Road. However in 2007, interviewees from heritage groups as well as private consultants stated that a coalition between the architectural sector and the GLA and Mayor Livingstone was perceived. All in all, these perceptions of conflicts of interest and client politics have contributed to increasing the conflict between supporters and opponents of tall building development. In the view of opponents, the GLA lost credibility as a result.

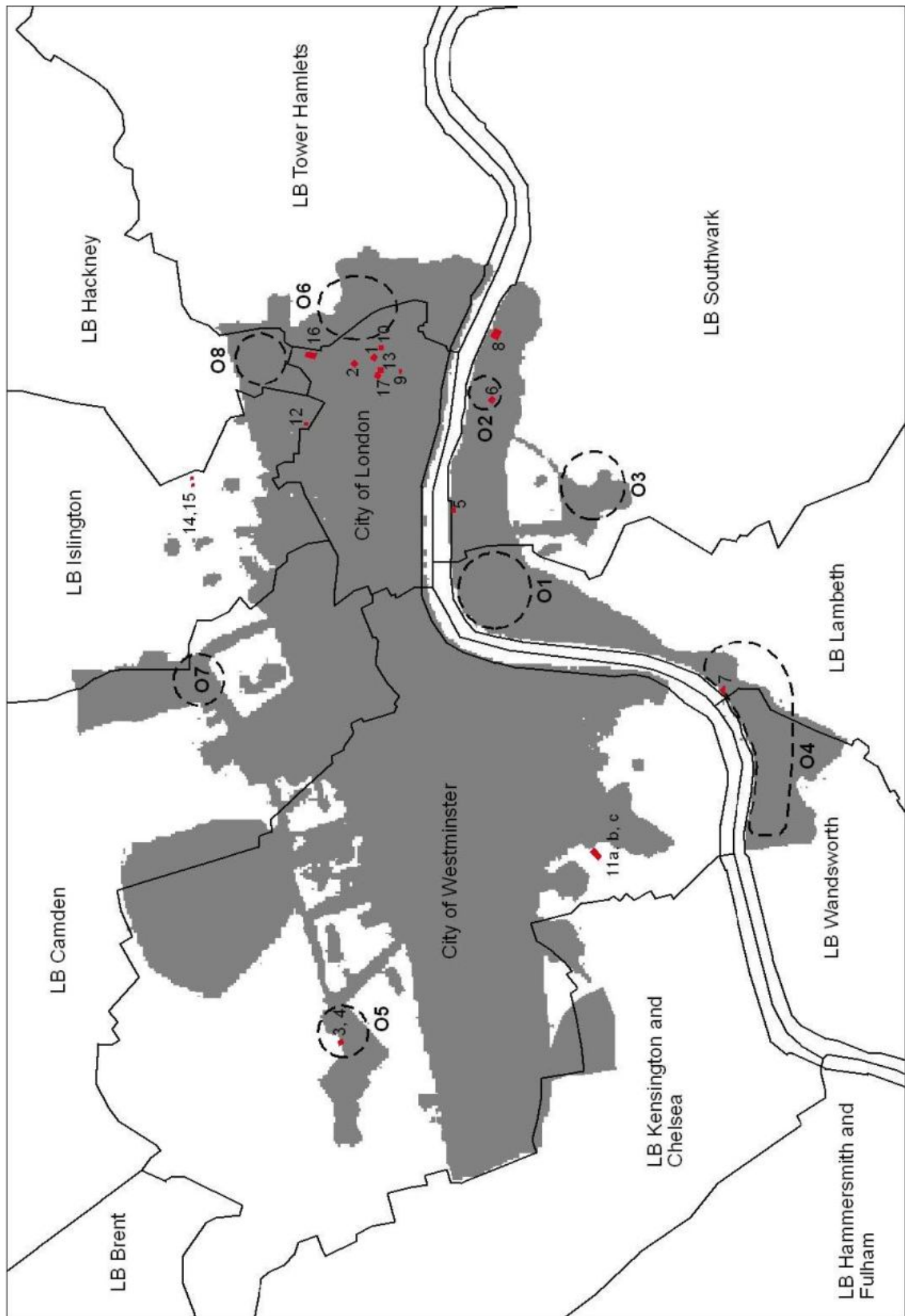
2.4 The finalised London Plan and the FALP

This section considers the designation of locations appropriate for tall buildings in the finalised regional development strategy, The London Plan: Spatial Development Strategy for Greater London (2004 London Plan) (GLA 2004a), and the draft Further Alterations to the London Plan (Spatial Development Strategy for Greater London) (FALP) published in September 2006 (GLA 2006a). Particular attention is paid to the level of certainty for developers of tall buildings provided by these policy documents. Academics have argued that the London Plan strongly favoured and supported tall building development (McNeill 2002b; Charney 2007; Tavernor 2007b). I argue that despite this strong support, the imprecise determination of locations suitable for tall building development led to a great deal of uncertainty amongst developers, local planning authorities, as well as heritage groups. Only with the publication of the FALP, which contained a large Opportunity Area that included the site of No.1 Blackfriars Road, did a higher level of certainty emerge. In addition, it is argued that a planning culture resulted that focussed on the establishment of precedent cases which in turn would provide certainty that a number of locations were suitable for tall buildings. In reaction to a policy that did not allow them to represent their interests as they wished, heritage groups used counter tactics as a last resort to influence the London Plan, which culminated in the involvement of UNESCO. As a result, developers' uncertainty about the success of their projects in the planning process was severely increased and a number of tall building projects were potentially threatened to be called in by the Secretary of State.

The finalised 2004 London Plan policies

The efforts to designate the whole of the CAZ as appropriate for tall buildings through the 2002 draft London Plan were rejected within the EiP (Richardson and Simpson 2003). Nonetheless, Mayor Livingstone and the GLA remained determined to support and indeed encourage tall building development in central London. The finalised version of the London Plan, published in February 2004, established the same Opportunity Areas in central London that were proposed in the 2002 draft London Plan (GLA 2004a). As can be seen in map 5, the borders of the Central Activities Zone (CAZ) were amended. Policy 5B.2 defines that development density needs to be maximised in the CAZ (ibid.). Policy 4B.8 Tall Buildings – location determined that the mayor would promote tall building development in the CAZ and Opportunity Areas

where it creates attractive landmarks and helps to provide coherent locations for economic clusters and/or acts as catalysts for regeneration (ibid.). Policy 4C.20 stated that tall buildings would be appropriate at water spaces—the so called Blue Ribbon Network—if they are of the highest design quality and successfully integrated spatially in relation to water spaces (ibid.). The 2004 London Plan, while incorporating the restrictions proposed by the EiP in 2003, continued to strongly advocate tall building development, including the suggestion of the possibility of its appropriateness along the River Thames and adding the qualities of landmark and regeneration catalysts. The location of the project at No.1 Blackfriars Road met all of these policy requirements as is demonstrated in planning application documents (Ian Simpson Architects 2006). Therefore based on these policy requirements, it was possible to argue that No.1 Blackfriars Road was acceptable. Importantly, precise definitions of areas in which tall buildings were or were not tall buildings are appropriate were not developed. Thus, the 2004 London Plan continued to provide flexibility for developers who would be able to propose tall buildings if they were able to establish that their projects met the standards defined.



Map 5: The designated CAZ in the finalised 2004 London Plan relative to tall building projects consented and proposed at the time of the publication. The drawing is based on the map provided in the 2004 London Plan (GLA 2004a: 232). Source: Author

Key to map 5

Tall building projects proposed or consented during 2004

1	30 St Mary Axe
2	Heron Tower
3	Paddington Basin
4	Paddington Station Tower
5	Tate Tower
6	London Bridge Tower
7	Vauxhall Tower
8	Potter's Fields
9	51 Lime Street
10	Minerva Tower
11a-c	Victoria Transport Interchange buildings
12	Ropemaker Place
13	122 Leadenhall Street
14	259 City Road
15	City Road Basin Site A
16	Broadgate Tower
17	Bishopsgate Tower

Proposed Opportunity Areas

O1	Waterloo Opportunity Area
O2	London Bridge Opportunity Area
O3	Elephant and Castle Opportunity Area
O4	Vauxhall/Nine Elms/Battersea Opportunity Area
O5	Paddington Opportunity Area
O6	Whitechapel/Aldgate Opportunity Area
O7	Kings Cross Opportunity Area
O8	Bishopsgate/South Shoreditch Opportunity Area

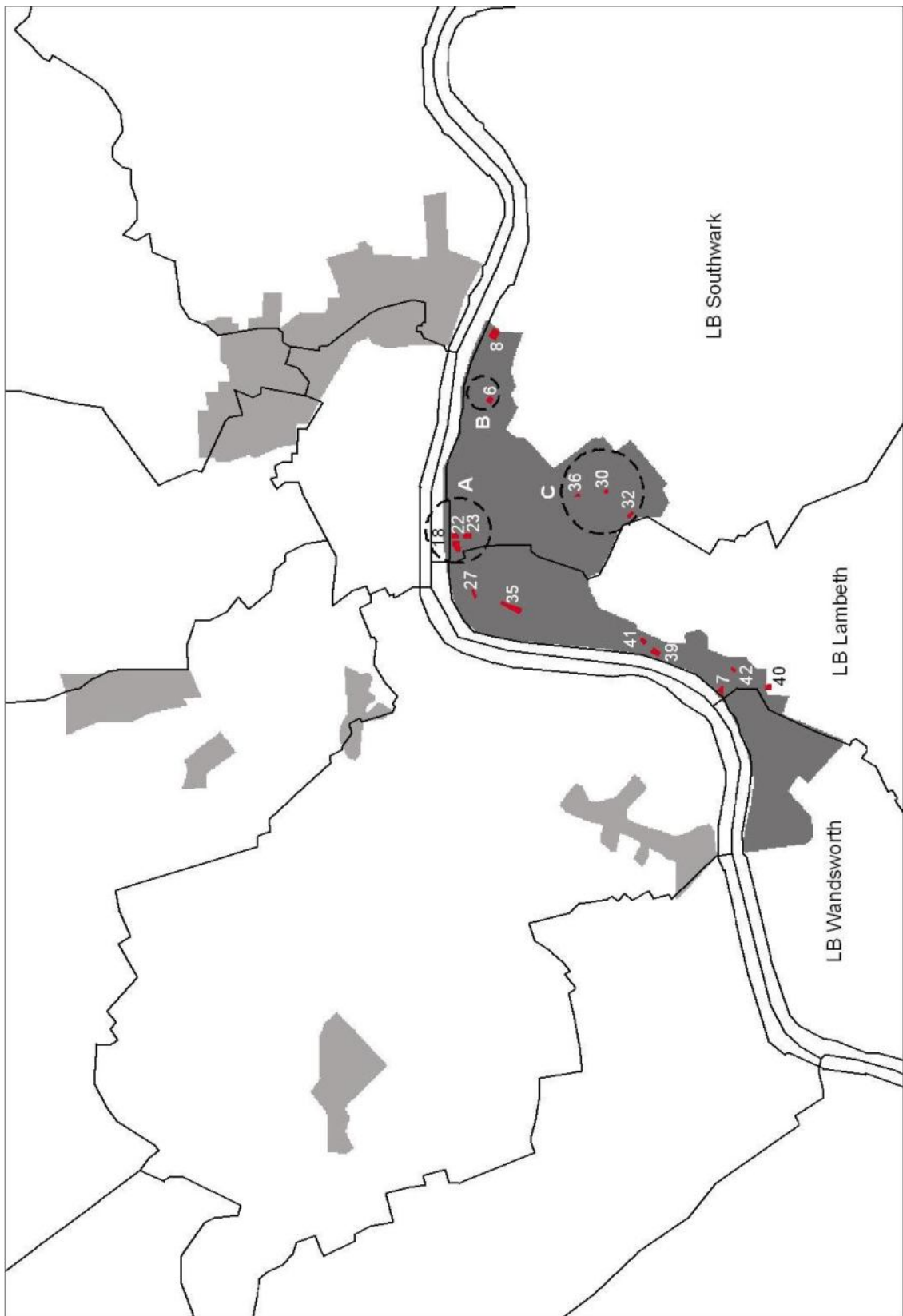
By 2007, pressure for tall building development shifted from the City of London towards the northern parts of the London Boroughs of Lambeth and Southwark (see map 6). For the Opportunity Area of Waterloo, a tall building framework was established by the GLA in cooperation with the LB Lambeth (GLA 2007a). The tall building projects of Doon Street Tower and Elizabeth House, both located in the LB Lambeth, had already been proposed (PINS 2008; 2009b). Much to the detriment of the developers of No.1 and 20 Blackfriars Road, the southern end of Blackfriars Bridge, however, was not designated as an Opportunity Area in the London Plan and the LB Southwark did not manage to achieve agreement amongst politicians to pass a local tall building policy for the area (Strategic Director of Regeneration 2007).

The GLA had supported No.1 Blackfriars Road since it was first discussed within pre-application discussions and, as a result, they were keen to grant permission to the project (GLA 2005e). Precedents for tall buildings in the area had been set through the consented height extension to the existing King's Reach Tower and a project by the architects, Foster & Partners, for Sainsbury's at the site of No.1 Blackfriars Road (ibid.). However, a precedent for a new tall building at a comparable height to No.1 Blackfriars Road had not been set. A tall building—the so called Tate Tower—proposed in 2001 by the developer, London Town Plc, adjacent to Tate Modern was rejected by the LB Southwark and, despite its being granted permission following an appeal, it did not get built (Harris 2008). As a result, developers and the GLA did not have a basis for constructing the argument that a precedent of a comparable height had been set that would have permitted the conclusion that No.1 Blackfriars Road would definitely succeed if a public inquiry was requested by English Heritage. In interviews that I conducted with architects and developers, as well as CABE officials, there was a broad consensus that the lack of supporting tall building policy and the strong resistance from a number of heritage groups resulted in a great degree of uncertainty for the design teams of tall building projects in northern Lambeth and Southwark.

In 2007, the GLA established a policy basis for tall building development at the Southwark side of Blackfriars Bridge. The draft Further Alterations to the London Plan (Spatial Development Strategy for Greater London) (FALP) published in September 2006 defined a large Opportunity Area along the southern side of the River Thames spanning from London Bridge in Southwark through northern Lambeth to Vauxhall/Nine Elms in Wandsworth (see map 6, dark grey area) (GLA 2006a). As can

be seen in map 6, the No.1 and 20 Blackfriars Road and Doon Street Tower projects are now located within an Opportunity Area in which tall building development is considered appropriate.

In their EiP report published in September 2007, the examiners of the draft FALP concluded that the changes made to tall building policies since the original 2004 London Plan have been slight (Shepley, Langton, Nixon 2007). Regarding the Opportunity Areas proposed by the FALP, the examiners stated that the inclusion of these is supported and that the designated localities are perceived as contributions to the further development of London's role within the UK economy and as a world city (ibid.). Furthermore, the concerns raised by some parties that the London Plan was overly supportive of tall building development were dismissed by the examiners (ibid.). Through this consent, the tall building area at Blackfriars Bridge was established at the regional level. However, this still did not produce the certainty needed to grant planning permission to No.1 Blackfriars Road and remove the possibility of a call-in and a public inquiry. English Heritage, the WCC and the Royal Parks maintained their objections and it was stated that if the project was granted planning permission by the LB Southwark, then English Heritage would ask the Secretary of State to seek a call-in (LB Southwark 2007a).



Map 6: Opportunity Areas established through the draft Further Alterations to the London Plan (FALP) relative to consented and proposed tall building projects. The drawing is based on the map contained in the FALP (GLA 2006a: A83). Source: Author

Key to map 6

Opportunity Areas

Dark grey	London Bridge Bankside Opportunity Area
Light grey	Other Opportunity Areas designated in the 2006 draft of the FALP

A	Borough and Bankside Opportunity Area
B	London Bridge Opportunity Area
C	Elephant and Castle Opportunity Area

Tall building projects consented or proposed in the northern parts of the London Boroughs of Southwark and Lambeth

6	London Bridge Tower
7	Vauxhall Tower
8	Potter's Fields
18	King's Reach Tower Redevelopment
22	No.1 Blackfriars Road
23	20 Blackfriars Road
27	Doon Street Tower
30	Castle House
32	360 London
35	Elizabeth House
36	Eileen House
39	Hampton House Redevelopment
40	Vauxhall Sky Gardens
41	81 Black Prince Road
42	Vauxhall Bondway Tower

Certainty through the finalised and amended London Plan?

Academics have argued that the London Plan was very much a pro tall building policy, both in its emerging states (McNeill 2002a; Tavernor 2004a and 2004b), as well as in the finalised version in 2004 (Tavernor 2007a and 2007b; Charney 2007). Interviews with design team members and heritage groups confirm this conclusion as does a report by UNESCO (UNESCO 2006a). This might suggest that the London Plan and the further amendments through the FALP did provide a great deal of certainty for developers of tall buildings. However, was the London Plan process successful in providing certainty for developers and were conflicts resolved effectively? Justin, the developer of No.1 Blackfriars Road, provides his perception of the London Plan:

Justin:

I think the clarity that is emerging out of the London Plan is going to be helpful. It may mean that some things are restricted. [...] There will be other things that come along that may challenge the plan which will be interesting. I think that from our experience we would in the future like to be as near as possible to the plan. We are not looking for extra challenges.

Juergen:

How did you prove that in the end that this is actually a suitable site for a tall building? How were you able to say: this is a site where a tall building could happen?

Justin:

As I said to you earlier, we looked at this as a commercial opportunity. You know, as a developer you must think commercially. [...] It would be stupid to have just an idealistic or utopian approach.

The interview with the developer, Justin, was conducted in December 2007 after the FALP had been published and examined within the EiP. UNESCO had threatened to de-list central London's World Heritage Sites (WHSs) and No.1 Blackfriars Road had been referred to as a threat to the Westminster WHS (UNESCO 2006a). While the 2004 London Plan did provide the flexibility needed for developers, and for Justin and No.1 Blackfriars Road in particular, to propose tall buildings in areas for which neither specific regional nor local tall building policy had been made, it also produced a serious degree of uncertainty. As Justin argues, as a developer he was looking for a commercial opportunity. Therefore on the one hand, the broad designation of tall building areas—not defining clear boundaries of appropriate areas—allowed him to identify the site of No.1 Blackfriars Road. On the other hand, the ambiguity contained within the London Plan by not specifying the exact extent of tall building locations failed to provide certainty since, according to the 1990 Town and Country Planning Act, decisions

regarding the granting of planning permission have to be based on finalised policy (OPSI 1990a). In the absence of such policy, the planning decision could potentially be regarded as premature (ODPM 2005a). The potential for prematurity causes the risk of failure within a possible public inquiry and also the risk of judicial review in the event that a party opposed to the project challenges the legal validity of either the planning decision or the public inquiry decision respectively.

The FALP provided a greater degree of certainty for developers since it designated an Opportunity Area containing the northern parts of Southwark and Lambeth. However at the same time, those local boroughs which sought to oppose tall building development, such as Westminster, and heritage groups which demanded increased protection of heritage assets, were marginalised. Within EiP processes and through the House of Commons, it was concluded that local boroughs were not allowed to produce policy that would prohibit tall buildings within their borough boundaries (House of Commons 2002; Richardson and Simpson 2003). Furthermore, the proactive tall building advocacy through the London Plan and FALP was supported by national government as is evident in the EiP report regarding the FALP (Shepley, Langton, Nixon 2007). Thus, conflicts between the supporters and opponents of tall building development were not reduced. Instead, conflicts were exacerbated with heritage groups resorting to tactics, such as alerting UNESCO as a strong ally, in order to attack tall building advocacy efforts in central London.

In conclusion to this section, some certainty was provided by the 2004 London Plan. Considering the 4B.8, 4C.20, 5B.2 policies in conjunction, the location of the proposals for No.1 Blackfriars Road fulfilled the criteria for a tall building location. The lack of definition of the exact extent of tall building areas within the 2004 London Plan allowed developers to propose tall buildings in large areas of central London, which however also caused a high level of uncertainty. The FALP provided a greater degree of certainty because it determined the extent of an Opportunity Area which included the project's site. According to the plan-led approach, local policy has to follow regional policy (OPSI 1991). But still, uncertainty for developers prevailed since a local tall building policy was not established in Southwark. In particular, the 2007 Guidance on Tall Buildings (GOTB) required that a local tall building policy must be available to make decisions on the granting of planning permission (English Heritage and CABE 2007b). Based on these policy requirements, heritage groups would have been able to request a

call-in because divergent interpretations of the London Plan policies were possible. The level of uncertainty for developers was increased by the concerns of heritage groups that No.1 Blackfriars Road would set a precedent for a cluster of tall buildings at Blackfriars Bridge, a consideration that increased their level of opposition to the project.

2.5 Pre-application discussion with the GLA

This section considers pre-application discussions between developers' design teams and the Greater London Authority. The discussion draws primarily on interviews with the planning consultant for No.1 Blackfriars Road and the GLA case officer responsible for the same project. Particular attention is paid to the decision making structure within the GLA and the central role of expert advice provided by planning and public relations consultants for the developers' design teams. Furthermore, it is evaluated how effective and also how inclusive pre-application discussions with the GLA are in the light of criticism by the Greater London Assembly.

Section 4 of the 2000 Town and Country Planning (Mayor of London) Order determines that local planning authorities (LPAs) are required to consult the Mayor of London on planning applications (OPSI 2000b). Furthermore, the order determines that the mayor may decide whether he grants the LPA the right to determine the planning application on its own or whether he decides to direct refusal of the granting of planning permission with regard to strategic grounds (*ibid.*).²⁵ In order for the mayor and the GLA to determine what their position towards a specific planning application is, the developer and the design team have to engage in a pre-application discussion with GLA officers and the mayor. Guidance regarding the pre-application discussion provided by the GLA states that developers have to apply for this service in writing (GLA 2007h). Figure 2 contains a diagram that shows the GLA pre-application discussion phase in relation to the planning application and post-application phases.

Prior to the actual discussion between the GLA and the design team, a case officer from the GLA assesses the information provided by the design team (*ibid.*). The GLA pre-application discussion takes place in the form of a meeting (*ibid.*). Following this meeting, the GLA writes a Stage 1 report that sets out concerns and recommendations for amendments to a design. In this stage of the planning process, the design team is able to react to GLA feedback and amend the design so that all concerns of the GLA are addressed. Once a planning application has been submitted, the GLA is consulted by the local borough. The GLA then writes a Stage 2 report that sets out whether the GLA

²⁵ The right to grant and refuse planning permission, thereby exercising the full planning powers of a local authority, was granted to the mayor of London by the 2007 Greater London Authority Act (OPSI 2007). With regard to No.1 Blackfriars Road, this power was not yet in effect.

supports the granting of planning permission, leaves the planning powers to the local borough, or whether the GLA recommends refusal, which would result in the GLA overruling the local borough should it grant planning permission according to the 2000 Town and Country Planning (Mayor of London) Order (OPSI 2000b).

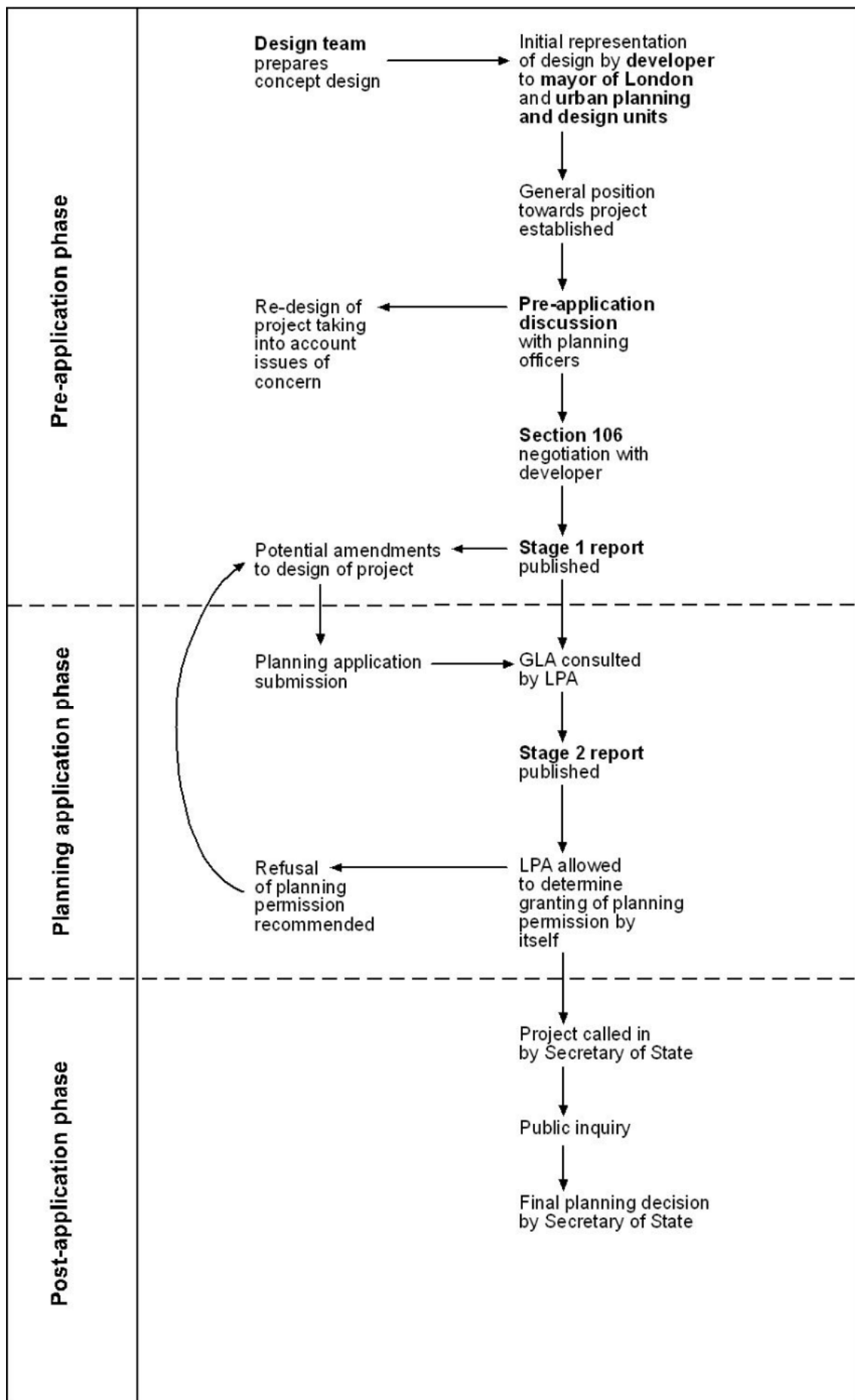


Figure 2: Pre-application process of the Greater London Authority. The diagram includes an illustration of the possibility of a call-in and a subsequent public inquiry.

GLA pre-application discussion

Roger, the planning consultant for No.1 Blackfriars Road, working for the DP9 planning consultants, framed the pre-application discussions with the GLA as follows:

With [the] GLA you would go and see them prior to submitting for planning permission. You present the scheme. You take them through issues that you know they could be concerned about. With the GLA it is [sustainable] energy, affordable housing and views. These are the kind of key issues, and you would go and show them the material. Then you would probably see them again until the planning application was in. There is obviously a formal process for the GLA. They have to write a statement. Once you are at the point of submission, you then begin the formal process.

Roger distinguishes the pre-application stage from the stage after the planning application submission and from his account the design team enters these processes well informed. As a result, the process is perceived as a critical stage, but from the design team's point of view it is manageable by addressing the known key issues of the GLA. This has also been confirmed by architects interviewed in relation to pre-application discussions with the GLA. The central issue then for the design team is that the key issues which are of primary concern to the GLA must be known prior to entering into any pre-application discussion. DP9 acted as the lead planning consultant on twenty-one of the total forty-three tall building cases in central London between 1999 and 2009 (see appendix 3). They therefore know what the most relevant aspects are for the GLA and they have gained this experience in cooperation with the GLA, so that support is very likely. The survey of GLA demands and conclusions (appendix 4) shows that the GLA was very consistent in insisting on the provision of affordable housing in accordance with the London Plan policies and that the quality of architecture and urban design were monitored in detail in all cases. The survey also shows that the GLA and the mayor concluded in more than 50% of the cases (which were all of those that were visible within protected views) that the visual impacts were acceptable.

The planning consultant is critical for the design team at this stage as they have access to GLA officers and can gather information about the key concerns. These concerns are discussed with the developer and the other key consultants. This allows the design team to shape the design of the project to meet GLA requirements. The finalised 2004 London Plan states that proposals for tall buildings must be highly energy efficient (Policy 4B.6), must include the provision of 40% of affordable housing (if located within the CAZ) on the buildings site and (Policy 3A.7) must be of high quality of

architecture and urban design and must present coherent reasoning why the building's visual appearance is acceptable when visible within a strategic view (Policy 4B.9) (GLA 2004a). The GLA Stage 1 letter from December 2005 shows that the design team of No.1 Blackfriars Road had taken into account the issues of energy efficiency, affordable housing and views (GLA 2005e). In this first Stage 1 letter, the GLA criticised the design of the lower level buildings. At a later stage and after several amendments to the design, the Stage 1 letter from July 2007 and the Stage 2 letter from February 2008 show that the design team had been able to resolve these issues within the further design process (GLA 2007e; 2008a). As is evident from the Stage 1 and 2 letters, the design team of No.1 Blackfriars Road was able to cooperate successfully with the GLA and, as a result, secured support for the project.

Within the design team, a central function of planning consultants and public relations consultants is to know how the internal political decision making structure of the GLA works. Having worked on a large number of tall building projects in central London, consultants such as DP9 know planning officers and decision makers personally. Martin Scholar, the GLA case officer for No.1 Blackfriars Road, describes the GLA's internal decision making structure as follows:

Within the office there was some discussion about the design of the building. Some people thought it was great. Other people thought it was terrible. We sort of reached a position within the mayor's policies: it is a world class building. Beetham Organization has got a track record of doing big tall buildings and this is acceptable.

There is a broad policy that the mayor will promote tall buildings. It's sort of an in-house discussion really amongst officers, amongst professionals to see their views on a particular building. It's an interesting environment to work in. The agenda is getting development done.

Scholar described the communication link between the design team and the GLA. While the GLA case officer is the main contact for the design team, the case officer is accountable to Giles Dolphin, Head of Planning, and Colin Wilson, the Strategic Planning Manager. Both Dolphin and Wilson were in turn accountable to the mayor, Ken Livingstone. Scholar characterises the assessment process within the GLA as a discursive yet hierarchical process. As could also be confirmed in the interview, the GLA's internal decision making process was governed by the mayor, Ken Livingstone. Thus, even if officers recommended not approving a project, the mayor could overrule this based on his supportive position towards tall buildings. This circumstance was

known to private design teams and planning and public relations consultants advised the core design team on the best course of action. For the design team, this meant that they presented their project in pre-application discussions to the mayor, with extensive advance knowledge about his current concerns, in order to secure his support. Effective interaction with the GLA meant taking into account the most important GLA concerns so as to get the support of Mayor Livingstone who was generally supportive of tall building projects. Because the mayor was the top decision maker, it was very unlikely that any changes of mind will occur that could produce uncertainty regarding the support of the GLA subsequently.

There have been concerns voiced by the Greater London Assembly that privileged access to leading GLA officers and the mayor might jeopardise the public accountability of pre-application discussions. The Greater London Assembly did accuse Mayor Livingstone of holding secret negotiations with developers (Greater London Assembly 2002). The assembly recognised that planning law allows the mayor to exclude the public from these meetings (*ibid.*). However, the assembly had received criticism from London boroughs which demanded meetings with regard to the mayor's planning decision processes being publicly accessible in a way similar to the planning decision meetings of local boroughs (*ibid.*). The Assembly argued that the key deliberations within these meetings and the merits of London's most significant planning projects should be discussed openly (*ibid.*). Particular concerns were raised about meetings of the mayor and his planning officers with developers and representatives of tall building projects (*ibid.*). They argued that a few powerful developers had direct access to and influence on the mayor's planning decisions (*ibid.*). Out of fourteen schemes presented to the mayor in those meetings, six projects concerned tall buildings proposed in central London. Crucially, the people present at the meetings in question advocating the projects were developers, architects (in five of the six cases) and planning consultants (in three of the six cases).²⁶ In order to resolve this problem, the assembly recommended in a report that the mayor more clearly distinguish between his role of giving strategic advice to developers and that of taking strategic planning decisions (*ibid.*). In terms of the GLA, this report confirmed that the design teams initially approached the Mayor of London and key GLA people in order to discuss the merits of

²⁶ These schemes were: 30 St Mary Axe (also known as Swiss-Re or Gherkin), Heron Tower, London Bridge Tower, Tate Tower (termed 44 Hopton Street), St Botolph's House and Fenchurch Street Tower (Greater London Assembly 2002).

their project with the aim of achieving support early on. The interview accounts by Roger and Martin Scholar confirm that the same decision making structure was in place in 2007 regarding No.1 Blackfriars Road and other tall buildings cases and especially regarding important precedent cases. Pre-application discussions only included the GLA and the design team. Other parties such as neighbouring boroughs, heritage groups or local interest groups were excluded from this process.

Despite this criticism, it has to be taken into account that the national government in the 2001 Green Paper and in reviews of the planning system, such as the Killian Pretty report, have consistently argued that an increase in early pre-application discussions is necessary to reduce planning uncertainty prior to planning application submissions (DTLR 2001; Killian Pretty 2008). Those proposing tall buildings have made use of this opportunity, especially since due to their controversial nature agreement is sought with the GLA early on. The design team has to expect that a number of other parties will seek to oppose the project, something which increases the importance of GLA support even more. There are also reasons for secrecy within pre-application discussions. The GLA guidance for pre-application discussions mentions that while there is a right for the public to request information regarding GLA pre-application discussions and the documents submitted, there is also the possibility of exempting these types of information from public access on commercial grounds (GLA 2007h). As the developer, Justin, explained in his interview, developers are in competition with other developers and they do not want their competitors to know which projects they are about to propose prior to this being announced publicly, so as not to get a market disadvantage. In addition, developers would be disadvantaged if they have not already acquired the site for the project at the stage of the pre-application discussions. Developers seek to keep their plans secret as long as the planning process allows so that they have a better position in price negotiations with the land owner.

The design team of No.1 Blackfriars Road was highly effective within the pre-application discussion due to the high quality of architecture produced by the architect and the design brief that fitted with the London Plan objectives, but importantly also due to the knowledge and experience of planning consultants. With regard to the GLA, the design team managed to obtain certainty in the form of GLA support for the further planning process. Criticism voiced by the GLA in 2005 (GLA 2005e) was taken into account and subsequently led to GLA approval of the project (GLA 2007e; 2008a). This

certainty, which had been gained by the design team, reduced the risk of conflict within the planning application stage and, therefore, the pre-application discussion with the GLA in the No.1 Blackfriars Road case can be described as an effective planning tool. However, the other side of the coin is that the type of pre-application discussion used in cases of tall buildings is not inclusive but rather exclusive, accessible only for the principal negotiating parties, the GLA and the developers. This has led to accusations of secrecy and privileged access to the mayor and key decision makers (Greater London Assembly 2002). Although there is a high level of transparency provided through the publication of initial representations and Stage 1 and 2 reports, transparency is incomplete. The details discussed between the GLA and developers within pre-application discussions can not be accessed by any other party. In summary, while the pre-application stage is effective in the sense that it increases certainty for the developer, it is a trade-off at the expense of inclusion which was assigned significant importance through the Urban Task Force Report and the national planning policy PPS1 (Urban Task Force 1999; ODPM 2005c)

2.6 Conclusions

The London Plan both in its emerging and finalised stages, is coherent with the urban renaissance agenda of the national government. The overarching principles of good architecture and urban design and densification around transport nodes are translated into the London Plan policies in a way that strongly supports and indeed encourages tall building development, confirming the stance contained within the London Plan towards tall building development. However, the designation of areas appropriate for tall buildings appears crucial for the success or failure of such projects. In particular, the attempts to designate the whole of the CAZ and the Opportunity Areas as appropriate provided flexibility for developers to propose tall buildings in all of these locations.

While these measures encouraged the private sector to propose more tall buildings, a great deal of uncertainty was produced at the same time. Based on the experience from the 1960s, heritage groups felt threatened by the possibility that tall buildings might be granted planning permission in locations that would cause visual harm to central London's heritage assets. As a result, heritage groups developed radical positions seeking to prohibit the visibility of tall buildings from within or towards all heritage assets. They succeeded partly in the London Plan policy process, managing within the EiP process to restrict the blanket designation of the CAZ as being appropriate for tall buildings. Despite this limitation on the encouragement of tall building development in the London Plan, the GLA and Mayor Livingstone supported the granting of planning permission for a number of precedent cases which began to incrementally consolidate existing and new tall building locations. These precedent cases constituted an immediate threat to heritage groups which feared that if granted planning permission, heritage protection regarding prospective tall building projects would be severely weakened. Thus, precedent cases, such as No.1 Blackfriars Road which—if successful—was bound to set a precedent for tall buildings south of the River Thames outside of the established clusters of the City of London and Canary Wharf, became attractors of increased conflict between supporters and opponents of tall buildings. Uncertainty for developers resulted from the lack of designating the exact extent of areas appropriate for tall building development because it allowed opponents to challenge projects that otherwise met the policies of the London Plan.

The conflict between supporters and opponents might have potentially been reduced by finding some middle ground. For tall building supporters, this would have meant determining the exact extent of areas appropriate for tall buildings, thereby potentially introducing height restrictions in areas where tall buildings were most likely to have visual impacts on heritage assets. At the same time, this would have increased the likelihood that developers would have proposed fewer numbers of tall buildings due to the expected increases in costs for designated sites and height limits. For opponents, a departure from the radical position would have meant accepting a degree of visual intrusion of tall buildings in relation to heritage assets, although potentially only of a limited extent. However as has been demonstrated, both supporters and opponents adopted radical and mutually exclusive positions. In the London Plan process, the GLA maintained its radical position throughout, as did heritage groups. The EiP limited the promotion of those radical positions to a degree but did not achieve the resolving of the conflict between the opposing camps. Discretion at regional level, allowing the GLA to impose the designation of tall building areas on local boroughs, was traded off against conflict resolution. Moreover, ambiguous designations of tall building areas by the GLA and local boroughs were not prevented. As a result, heritage groups felt marginalised through what they perceive to be overly permissive tall building policies. This apparent lack of conflict resolution culminated in the involvement of UNESCO in 2006 and 2007 which severely increased the level of uncertainty for the design team of No.1 Blackfriars Road and a number of other tall building projects.

The central role held by Lord Rogers within the GLA evidentially led to the successful translation of urban renaissance principles into the London Plan. The 4B policies follow the principles of promoting the highest quality of architecture and urban design, densification and the acquisition of large amounts of affordable housing through S106 agreements. In this regard, Lord Rogers' expertise was a crucial factor in achieving London Plan policies that successfully implemented the governmental agenda of an urban renaissance at the regional policy level. Nonetheless, it appears that the mere potential for conflicts of interest, which naturally results from involvement in both governmental service and private practice, causes the perception that the central principles of the Nolan Report, such as selflessness, objectivity and accountability, might have possibly not been upheld by the GLA.

Pre-application processes with the GLA are highly effective in providing certainty for developers in terms of regional planning decisions. The GLA has a clear approach to pre-application discussions, with the agenda being transparent to developers' design teams. Design teams have been able to incrementally improve tall building projects by incorporating the concerns raised by the GLA. Doing so, high quality standards of architecture and urban design have been achieved as well as high levels of S106 contributions. The information gathering activities of planning and public relations consultants as well as the experience architects and townscape consultants have with GLA processes are crucial components for the effectiveness of developers in these processes. As a result, design teams initially approached Mayor Livingstone and high level planning officers, through which, once agreement was reached, the support by GLA case officers with regard to the remaining planning process resulted. However, these positive aspects of pre-application discussions must be taken with some reservation. Typically, pre-application discussions are not inclusive in nature. Only developers and the GLA are part of the process, while heritage groups are excluded. The result is that accusations of secret decision making are made by opponents of tall buildings. Therefore in terms of conflict resolution, pre-applications are only effective in resolving conflicts between the GLA and developers, while conflicts with heritage groups are not resolved and indeed are not part of the discussion at this stage.

3. The London View Management Framework

This chapter considers the development of the supplementary guidance document, the London View Management Framework: The London Plan Supplementary Planning Guidance (hereunder abbreviated as the 2007 LVMF) (GLA 2007b). The LVMF is the Supplementary Planning Guidance (SPG) to the London Plan regulating the assessment of the visual impacts of development on significant views in London. The policies existing prior to the LVMF were the PPG15, regulating the visual impact of development on heritage assets qualitatively, and the RPG3A, regulating the visual impact on central London monuments through ten geometrically defined view corridors (Department of Environment 1994; GOL 1998). The LVMF, by contrast, advocates the use of both geometric and qualitative visual impact assessments based on the London Plan 4.B policies. The development of these specific assessment methods is the focus of this chapter. Implementation processes and the processes of public scrutiny, such as consultation and the Examination in Public (EiP), impacted on the policy making process. The LVMF was developed in three stages with a draft version in March 2005 (GLA 2005a), a second draft in March 2007 (GLA 2007a) and the finalised version which was published in July 2007 (GLA 2007b). The experts employed at all stages to write the contents of the LVMF were private sector consultants involved in tall building projects regulated via the LVMF. The discussion of the emerging and finalised LVMF focuses on the wording of key paragraphs that define visual assessment and the meaning of these paragraphs for the different interest groups in the planning process in conjunction with their responses in the consultation process.

The case study of No.1 Blackfriars Road is not located within a geometrically protected view corridor but is visible in a townscape view from St James's Park which is located in the City of Westminster. Sections 1 and 2 focus on the development of the geometric measures, the view corridors and visual assessments therein. Importantly, the principal governmental and heritage groups involved in the debate about geometric assessments were also of significant importance for No.1 Blackfriars Road. Sections 3 to 5 focus on the Qualitative Visual Assessment (QVA) method and its application to the St James's Park towards Horse Guards Road townscape view, the visual impact on which was a primary concern in the planning process of No.1 Blackfriars Road.

3.1 Visual assessment in the backdrop of view corridors

This section focuses on the making of the geometric assessment method for the view corridors in the 2005 draft LVMF, and in particular on the introduction of the Backdrop Advisory Line (BDAL). The BDAL introduced qualitative methods into geometric assessments of visual impact in the backdrop of view corridors. The impacts of the implementation processes of the London Bridge Tower project, which occurred in 2003 prior to the publication of the draft LVMF, are analysed. Furthermore, it is analysed how the Greater London Authority (GLA), which sought to support tall building development in central London, advocated its interests. The GLA employed experts for the production of the 2005 draft LVMF who were also consultants working on the London Bridge Tower and other projects. The impact of those consultants on the LVMF BDAL method is evaluated.

The Backdrop Advisory Line (BDAL)

In March 2005, the GLA published the draft London View Management Framework (hereafter called the 2005 draft LVMF) (GLA 2005a). The purpose of the 2005 draft LVMF was to expand on the methods introduced by the London Plan for regulating the visual impacts of a development on the historic environment of central London. The particular aspects of the draft LVMF discussed hereunder are amendments to the regulation of the visibility of tall buildings in the backdrop of view corridors. In the RPG3A, the background of view corridors was protected similarly to the foreground: proposed buildings could not be higher than the threshold defined through the view corridors so as not to block the visibility of the monuments of St Paul's Cathedral and the Palace of Westminster (GOL 1998). In addition, the PPG15 national policy requires preserving or enhancing views into or from within a conservation area outwards (Department of the Environment 1994). Development projects likely to raise issues of significant controversy are subject to being called in by the Secretary of State for his or her own determination (ibid.). In contrast to this, the 2005 draft LVMF proposed the introduction of a Backdrop Advisory Line (BDAL) that would allow some development to be permitted in the backdrop of view corridors.²⁷ Paragraph 74 of the 2005 draft LVMF states:

²⁷ Appendix 11 contains an explanation of the geometric aspects of view corridors. The content of this appendix is taken from the revised 2010 London View Management Framework (GLA 2010a).

The Mayor will only support developments that exceed the Backdrop Advisory Line [BDAL] in truly exceptional circumstances and where significant additional benefits to the environment and the quality of the viewing experience can be demonstrated by the applicant. [...] The Mayor may accept the introduction of an unprecedented backdrop to a particular view of a primary landmark rising above the Backdrop Advisory Line, when it can be demonstrated that such backdrop preserves or enhances the ability of the viewer to recognise and appreciate the landmark, in all weather conditions, when compared to the existing backdrop.
(GLA 2005a: 25).

The policy making process of the 2005 draft LVMF was started after a public inquiry had been held to determine the appropriateness of the London Bridge Tower in 2003 (commonly referred to as the Shard) (6 in map 7) (PINS 2003). Critically, this proposed tall building would appear highly visible in the backdrop of the protected view corridor from Kenwood towards St. Paul's Cathedral (V4 in map 7) (ibid.). Richard Coleman, the second expert writing the 2005 draft LVMF, was the townscape consultant for this project. He wrote the townscape assessment on behalf of the developer, evaluating the visual impact of the London Bridge Tower on heritage assets, such as St. Paul's Cathedral in this case. Therefore, Coleman's job as part of the developer's design team was to argue in support of the proposal. The argument was made in the public inquiry in 2003 that the London Bridge Tower would enhance the backdrop of this view because of the quality of the architecture (ibid.).

The proposed method for the assessment of the backdrop of view corridors is tested next against the perception of John Hare who was employed by the GLA to co-write the 2005 draft LVMF with Richard Coleman. Hare's expertise is in the geometric aspects of visual assessment while Coleman is an expert in the wording of management plans. In an interview, Hare retrospectively analysed the content of paragraph 74.

Truly exceptional circumstances: that is an important one. [...] And they argued in the AVRs of the Shard of Glass [London Bridge Tower] that that was providing a better or more appropriate backdrop than this one. So paragraph 74 was to allow them [...] to define whatever the mayor meant by truly exceptional. They could support this. [...] We believe that generally a clear backdrop was the best thing you could do for a monument. [...] They kept saying: There will be an architect who could define this, who would be good enough to define this.

Hare stated that the wording and rationale of paragraph 74 was derived from the evidence presented during the London Bridge Tower public inquiry. Furthermore, he argued that the defined goal was to allow for interpretative freedom in decision making

by the mayor and the GLA, so that they could determine how the paragraph was to be interpreted. The argumentative logic which can be put forward by the design team of the project was explained by John Hare. If an architect was chosen whose architecture would be of such high quality that his or her building would provide for a backdrop better than clear sky does, then this would constitute a case of exceptional circumstances and then one would be able to conclude that the building preserves and enhances the view. The internationally acclaimed architect, Renzo Piano, was finally chosen as the architect. Therefore, the London Bridge Tower served as a precedent case within which the meaning of exceptional circumstances was defined in a public inquiry in 2003, prior to the writing of the 2005 draft LVMF.

The brief provided by the GLA to the consultants developing the 2005 draft LVMF states that there is 'no automatic requirement for clear skyline backdrops to landmarks', referring to the London Bridge Tower public inquiry decision, and 'there is no automatic requirement for clear sky lateral setting areas, nor is there a requirement to preserve St. Paul's, referring to the Heron Tower public inquiry decision (GLA 2004c: 4). Furthermore, the brief points out the results of a LVMF focus group which convened from October to December 2003 (ibid.). This group concluded that no geometric view corridors should be produced for river prospects and, importantly, that new tall buildings should be assessed based on their visual quality without automatic presumptions against such development (ibid.). Due to these statements, it can be concluded that the GLA required consultants to shape the LVMF in a way that incorporated the London Bridge Tower public inquiry decision, so that further tall building proposals appearing in backdrop areas of geometrically protected view corridors might be granted planning permission on the same grounds. As a result, heritage groups would not be able to argue against tall building proposals in backdrop areas that are tested using the same rationale as in the London Bridge Tower case.

Markham argues that the London Plan policy, which states that planning permission will 'normally' be refused in the backdrop of view corridors, allows for exceptions (Markham 2008: 282). Taking the London Bridge Tower public inquiry as an example, she argues that in the backdrop of views, qualitative management has been introduced through the LVMF, the wording of which allows for the reasoning that tall buildings can enhance the backdrop (ibid.). Markham recognises that both the London Plan and the LVMF were shaped so that more tall buildings could be granted planning

permission, in this case in the backdrop of view corridors. This aspect is not problematic per se. The production of regional policy and guidance is the statutory remit given to the GLA through the 1999 Greater London Authority Act (OPSI 1999). Therefore, it is the legal right of the regional planning authority to define the values based on which decisions are made regionally. In this case, the GLA values high quality tall buildings and planning gains where heritage assets are not harmed.

The problematic aspect is the impact of implementation processes on policy making. The implementation process of the London Bridge Tower has produced reasoning that later became a part of the contents of the 2005 draft LVMF. Thus, the implementation processes partly determined policy contents. Indeed, planning law (the 1990 and 1991 planning acts) requires policy to emerge from policy proposals and public debate within consultation and examination processes (OPSI 1990a; OPSI 1991). The policy contents which determine the proof for appropriateness of development to be produced by the design team need to be developed first. Then the arguments can be discussed amongst policy makers and interest groups. Finally, proposed policy is evaluated by an Examination in Public (EiP). Only after this process may policy and guidance be used to determine planning decisions in implementation procedures.

This issue has been debated at a public inquiry. The Historic Royal Palaces argued that the granting of planning permission to the London Bridge Tower would 'be bound to preempt consideration of the emerging policies and predetermine the outcome of the plan process' (PINS 2003: 131). The planning inspector disagreed as each case has to be treated on its merits and another proposal that would not meet the high standards and cause harm would not be granted permission (*ibid.*). In light of how the London Bridge Tower case impacted on the emerging LVMF, it can be argued with hindsight, that the planning inspector might have underestimated the impact of the case on emerging policy. The current concept of prematurity—used in the planning system to describe the granting of planning permission that can not be satisfactorily decided based on existing policy and that would therefore predetermine the meaning of emerging policy—is not sufficient for dealing with tall building cases. In tall building cases, the impact of precedent cases is also a visual one. The merits of a case against a proposed tall building are severely weakened when an already consented tall building will be visible in the same view. This issue is discussed in detail in chapter 6 which examines the joint No.1 and 20 Blackfriars Road public inquiry. It is shown therein how consented precedent

cases visible in the St James's Park view affected the reasoning of the planning inspector.

The fact that the expert authors of the 2005 draft LVMF were private consultants involved in the most significant tall building project in central London raises questions of potential conflicts of interest when considering the Nolan Report requirements. Coleman and Hare were involved in the London Bridge Tower as well as other tall building projects.²⁸ The involvement of the policy writers of the 2005 draft LVMF in tall building projects might suggest that the pro tall building stance in the LVMF was based on the interests of those experts. This hypothesis is not valid. Ken Livingstone and the GLA had supported the London Bridge Tower and indeed all tall building developments in central London since the GLA was established (GLA 2001a; b).

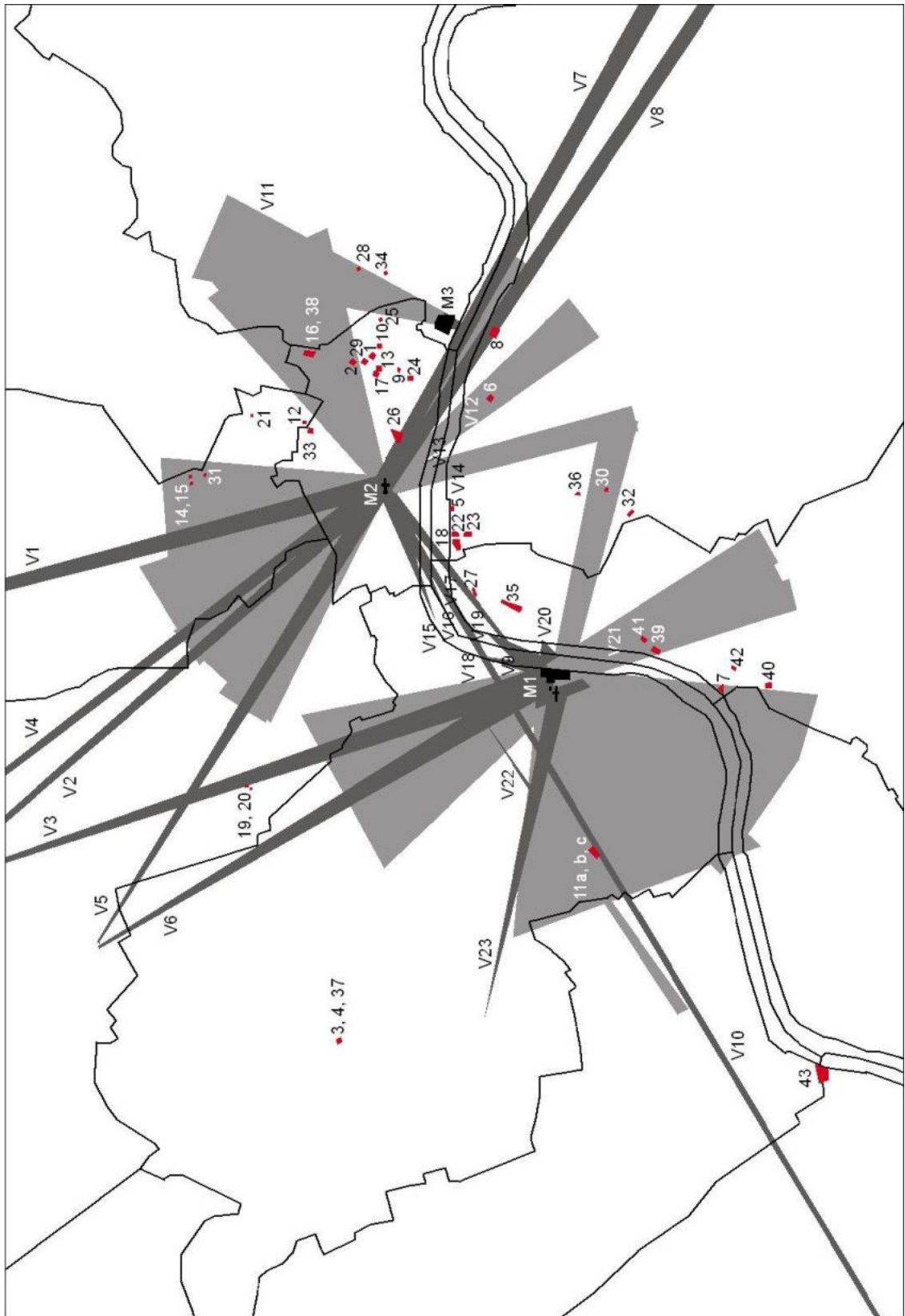
Another hypothesis could be that there was a conflict of interest since the London Bridge Tower project could have been perceived by interested parties as lacking legitimacy if the draft 2005 LVMF had not changed the rules for assessment in the backdrop of view corridors. This hypothesis is unreasonable as well. The project had already achieved planning permission in 2003 based on the policy available then. A project that has achieved planning consent cannot be challenged based on policy that emerges after the fact. Section 77 of the 1990 Town and Country Planning Act determines that decisions of the Secretary of State after a public inquiry are final (OPSI 1990a). Furthermore, Coleman and Hare wrote the contents of the 2005 draft LVMF but their work was scrutinised by planning officers at the GLA who were responsible for editing the document. This aspect has been confirmed in interviews with John Hare and GLA planning officers.

The hypothesis that appears most plausible is that these particular experts were employed by the GLA because, due to their experience with the important London Bridge Tower case and their experience in townscape assessments and the visualisation of tall buildings, they were able to produce the policy contents that allowed the GLA to support the specific tall building projects in the planning pipeline. Coleman had developed the arguments based on which the Secretary of State John Prescott chose to support the London Bridge Tower following the public inquiry in 2003 (PINS 2003;

²⁸ As demonstrated in appendix 2, Coleman was the townscape consultant for 30 St Mary Axe, Potters Fields, Victoria Transport Interchange, 20 Blackfriars Road and the Castle House Redevelopment.

ODPM 2003). The London Bridge Tower set an important precedent for the acceptability of the visibility of tall buildings in the backdrop of view corridors provided they were of the highest architectural quality. It is plausible, therefore, that Coleman would have been the best expert to write the LVMF so that the supportive arguments became enshrined in the emerging LVMF. This hypothesis is supported by Coleman's decision to resign from the Heron Tower project, something which added to his credibility amongst heritage groups opposing this project.

Expert consultants have a contract with private developers. They support the project because this is what they are supposed to do due to their contract with the developer. However, consultants may also withdraw from projects if they reach the opinion that impacts may result that are not acceptable. As has also been argued by another townscape consultant, Peter Stewart, in an interview, these are issues of credibility. Townscape consultants are part of the developers' design team. They advise the architect—and therefore the developer—on what is acceptable in terms of scale and massing from the outset. Furthermore, they are the key consultants presenting planning application documents to CABE and English Heritage with regard to the architectural quality and visual impact. A townscape consultant may resign from a project if he or she thinks that their support could damage their credibility in the tall building expert community. Such an instance may occur if his advice has not been needed and if the quality of the project is poor. In summary, the GLA decision to involve Coleman in the LVMF process provided a basis for successful conflict resolution since he was able to incorporate the supportive stance of the GLA towards tall buildings and had also achieved credibility amongst heritage groups.



Map 7: The view corridors of the draft London View Management Framework from 2005 in relation to the tall building projects proposed. This drawing is based on the map provided in the draft 2005 LVMF (GLA 2005a: 202, 203). Source: Author

The BDAL would have been applicable in the light grey areas, the backdrop, which are the areas of a viewing corridor behind the monument. The dark grey signifies the foreground in which development is strictly unacceptable. Tall building schemes with planning permission are shown in blue. Red signifies projects that were in the middle of the planning process at the time of the publication of the 2005 draft LVMF.

Key to map 7

Monuments protected via view corridors

- M1 Palace of Westminster
- M2 St. Paul's Cathedral
- M3 Tower of London

The view corridors proposed in the 2005 draft LVMF

- V1 Alexandra Palace towards St. Paul's Cathedral
- V2 Parliament Hill to St. Paul's Cathedral
- V3 Parliament Hill to the Palace of Westminster
- V4 Kenwood to St. Paul's Cathedral
- V5 Primrose Hill to St. Paul's Cathedral
- V6 Primrose Hill to the Palace of Westminster
- V7 Greenwich Park to St. Paul's Cathedral
- V8 Blackheath Point to St. Paul's Cathedral
- V9 Richmond Park to St. Paul's Cathedral
- V10 Westminster Pier to St. Paul's Cathedral

- V11 City Hall towards Tower of London
- V12 London Bridge towards St. Paul's Cathedral
- V13 Southwark Bridge towards St. Paul's Cathedral
- V14 Millennium Bridge towards St. Paul's Cathedral
- V15 Waterloo Bridge towards St. Paul's Cathedral
- V16 Waterloo Bridge towards St. Paul's Cathedral
- V17 Southbank: close to Gabriel's Wharf towards St. Paul's Cathedral
- V18 Hungerford Footbridges towards St. Paul's Cathedral
- V19 Hungerford Footbridges towards St. Paul's Cathedral
- V20 Albert Embankment towards the Palace of Westminster
- V21 Lambeth Bridge towards the Palace of Westminster
- V22 The Mall towards Buckingham Palace
- V23 Serpentine Bridge (Hyde Park) towards the Palace of Westminster

3.2 Management of protected vistas by geometric definition

This section focuses on the finalised version of the London View Management Framework: The London Plan Supplementary Planning Guidance, published in 2007, and the method for the assessment of projects visible in the backdrop of view corridors (GLA 2007b). As has been demonstrated in the previous section, the assessment of tall buildings in the backdrop of geometrically protected view corridors was of significance, because projects that set precedents were in the midst of the planning process and influenced the decision-making. Following the publication of the 2005 draft LVMF, the GLA conducted a consultation process to allow interest groups to raise issues and make recommendations for amendments. It is evaluated how effective conflict resolution was within the LVMF policy process. The discussion includes the reactions to the emerging LVMF from heritage groups and private developers. It is argued that the experts writing the LVMF learned from previous implementation processes and from consultation replies regarding the 2005 draft LVMF, the policy contents of which they needed to advance in the 2007 LVMF so that disputes based on heritage values were minimised.

View corridor backdrop assessment in the 2007 LVMF

The 2005 draft LVMF retained the ten view corridors of the RPG3A but reduced their width (see map 7 in the previous section) (GLA 2005a). The impact of the reduction in width on tall building development was evaluated by the consultancy, DEGW, in 2002. It showed in a report commissioned by the GLA that a significant amount of land would become available in the City of London if view corridors towards St Paul's Cathedral were reduced in width (DEGW 2002).²⁹ Furthermore, DEGW recommended that the view corridor from Richmond Park towards St Paul's be removed based on the argument that St Paul's Cathedral is too far away to be properly identified (*ibid.*). In addition within the consultation process regarding the draft London Plan in 2002, the developer, Legal & General, lobbied strongly for the reduction of view corridors (Richardson and Simpson 2003). However, there were also increases in the protection of heritage assets. Thirteen view corridors along the River Thames towards nationally and internationally significant buildings—St Paul's Cathedral, the Palace of Westminster and the Tower of London—were introduced (GLA 2005a). In the consultation process regarding the 2005 draft LVMF, English Heritage's LAC stated that they welcomed the introduction of

²⁹ Appendix 12 includes a drawing that shows the effects of reducing view corridors towards St Paul's Cathedral.

geometric protection of additional views (LAC 2005b). The 2005 draft LVMF proposed to protect twenty-three views geometrically as opposed to the ten strategic views protected via the RPG3A (GLA 2005a). These views are V11 to V23 in map 7.

However, policy analysis of the LAC yielded that the Heron Tower (2 in map 7), which had been granted planning consent after a public inquiry in 2002 but was to be resubmitted in a taller version, would exceed the Backdrop Advisory Line (BDAL) in the view from Waterloo Bridge towards St Paul's Cathedral (LAC 2005a). The LAC therefore demanded clarification from the mayor of how 'exceptional circumstances' would be interpreted when granting planning consent to a proposal that exceeded the BDAL (*ibid.*: 10). The Westminster City Council (WCC) and the Royal Parks argued that the wording of paragraph 74 would allow the granting of planning permission to tall building proposals exceeding the BDAL (WCC 2005; Colvin and Moggridge 2005). The Royal Parks identified proposed tall building developments at Bishopsgate Goodsyard (*i.e.*: the Broadgate Tower 16 in map 7), the site of which would lie only partly in the backdrop of the view corridor from Richmond Park (V 10) proposed by the 2005 draft LVMF but would have been fully within the view corridor of the RPG3A (*ibid.*). Heritage groups' criticism of the proposed BDAL method was geared towards challenging the expected granting of planning permission in precedent cases.

Another important change proposed by the 2005 draft LVMF was the introduction of geometrically protected views along the River Thames (GLA 2005a). On the one hand, heritage groups stated in consultation that they were content with the introduction of additional geometric protection of river views (LAC 2005b; Colvin and Moggridge 2005; WCC 2005). On the other hand, developers perceived the additional view corridors as an increase in constraints on their projects, as is evident in the GLA summary of consultation responses (GLA 2005b). For example, the Heron Corporation, developer of the precedent case of the Heron Tower, submitted a planning application amending the scheme for which it had received planning permission via public inquiry in 2002, with it now proposing a tower of 242 metres, 20 metres taller than the 222 metres of the consented one (GLA 2005d).

The introduction of additional views would have put the consented Heron Tower (2) into the view corridor from Waterloo Bridge towards St. Paul's Cathedral proposed to be introduced in the 2005 draft LVMF (V15 in map 7). According to the LVMF, the

local borough that is able to oppose a proposed tall building within the consultation phase is that borough from within which a protected view originates (GLA 2005a). Critically, the assessment point from which the view from Waterloo Bridge can be experienced lies within the borough boundaries of the City of Westminster and, as had been mentioned in the WCC consultation response, Westminster planning officers were likely to object to the project based on the 2005 draft LVMF (WCC 2005). Therefore, the developer, Heron Plc, and the GLA had to assume that the WCC, the Royal Parks, the Historic Royal Palaces and English Heritage would object and potentially request a call-in by the Secretary of State and a public inquiry. According to the interview with John Hare, the introduction of the geometrically protected river view corridors into the LVMF was perceived as an unwanted additional constraint by senior GLA planning officers, such as Colin Wilson, as well as the mayor. This perception of the 2005 draft LVMF within the GLA, Hare argued at interview, resulted in him and Coleman not being employed to produce the final version of the LVMF. Therefore, the experts, Hare and Coleman, suffered a loss of confidence by developers and the GLA through their roles as the writers of the LVMF and by seeking to compromise with heritage groups.

In late 2005, the GLA issued a new brief setting out the requirements for the production of the final version of the LVMF (GLA 2005c). Key amendments included the restriction of the geometric management to the ten views previously protected via the RPG3A, only leaving river views protected via the Qualitative Visual Assessment (QVA). The GLA also demanded that the geometries of protected views be amended (*ibid.*). The consultation responses to the 2005 draft LVMF should be taken into account in the amendments working towards the finalised LVMF (*ibid.*). The criticism from developers of the additional geometric management through view corridors along the River Thames was taken into account by the drafters of the 2007 LVMF. As can be seen on map 8, the geometrically protected view corridors along the River Thames were taken out.³⁰ Furthermore, the finalised 2007 LVMF introduced new wording for the regulation of the background of view corridors that sought to further increase the power of the mayor and others supporting tall building development:

Applicants whose proposals would exceed the threshold planes defined for any LBAA [Landmark Background Assessment Area] or LLAA [Landmark Lateral Assessment Area] will be required to show the cumulative effect of their

³⁰ The second draft LVMF, published in January 2007, also proposed not to geometrically protect the view towards the Tower of London from City Hall (GLA 2007a). This issue is discussed in more detail in chapter 5 in relation to the impact of the UNESCO involvement in policy making.

proposed development on affected views taken together with previously consented developments. Developments will normally be refused when their combined effects, when read together with other consented developments, would fail to preserve or enhance the ability to recognise and appreciate the strategically important landmark, or would create a canyon effect (GLA 2007 b: 42, 43).³¹

This paragraph 4.27 in the LVMF gives the power to interpret positive and negative visual effects of proposed developments to the mayor and private townscape consultants working for developers. The first sentence of paragraph 4.27 determines that precedent cases which have been granted planning permission need to be taken into account in terms of their visibility. This resembles the consistency principle of the national planning system: that planning decisions need to be consistent with previous planning decisions (ODPM 2005a). However, it extends the consistency principle by adding the visibility of a tall building, cumulatively in relation to the visibility of precedent cases, as an additional material consideration when determining the visual impact of a tall building project. This would have made it almost impossible for heritage groups to argue that the visibility of a new proposal would result in unacceptable harm because once a precedent is visible in a protected view then the key value of a view which is a clear sky background has already been altered.

The most significant change to a view which currently has a clear sky background results from the first tall building case that is visible in this background. As a result, the precedent case allows developers of future tall buildings visible in the same view to argue that their projects have similar visual impact and, thus, heritage groups' opposition is severely weakened. Importantly, the decision regarding a consented tall building becomes a material consideration for further tall building cases (ibid.). Furthermore, the visibility of a precedent case also becomes a material consideration due to paragraph 4.27 of the 2007 LVMF. The terminology in this 2007 LVMF paragraph that refers to the ability to recognise and appreciate the landmark does provide some definition of the key terms of enhancement and preservation. It limits harm to proposals that would obscure or partly obscure a landmark or monument. Using paragraph 4.27 for assessment, it is unclear whether a building that does not obscure a landmark should be regarded as harmful. If a proposal which lies in the background is

³¹ LBAA (Landmark Background Assessment Area) is the area beyond the landmark or monument in a viewing corridor. LLAA (Landmark Lateral Assessment Area) are the areas to either side of the viewing corridor (GLA 2007b).

itself obscured by the monument, then this paragraph would allow the proposal to be granted planning consent.

The 2007 LVMF – conflict resolution or marginalisation?

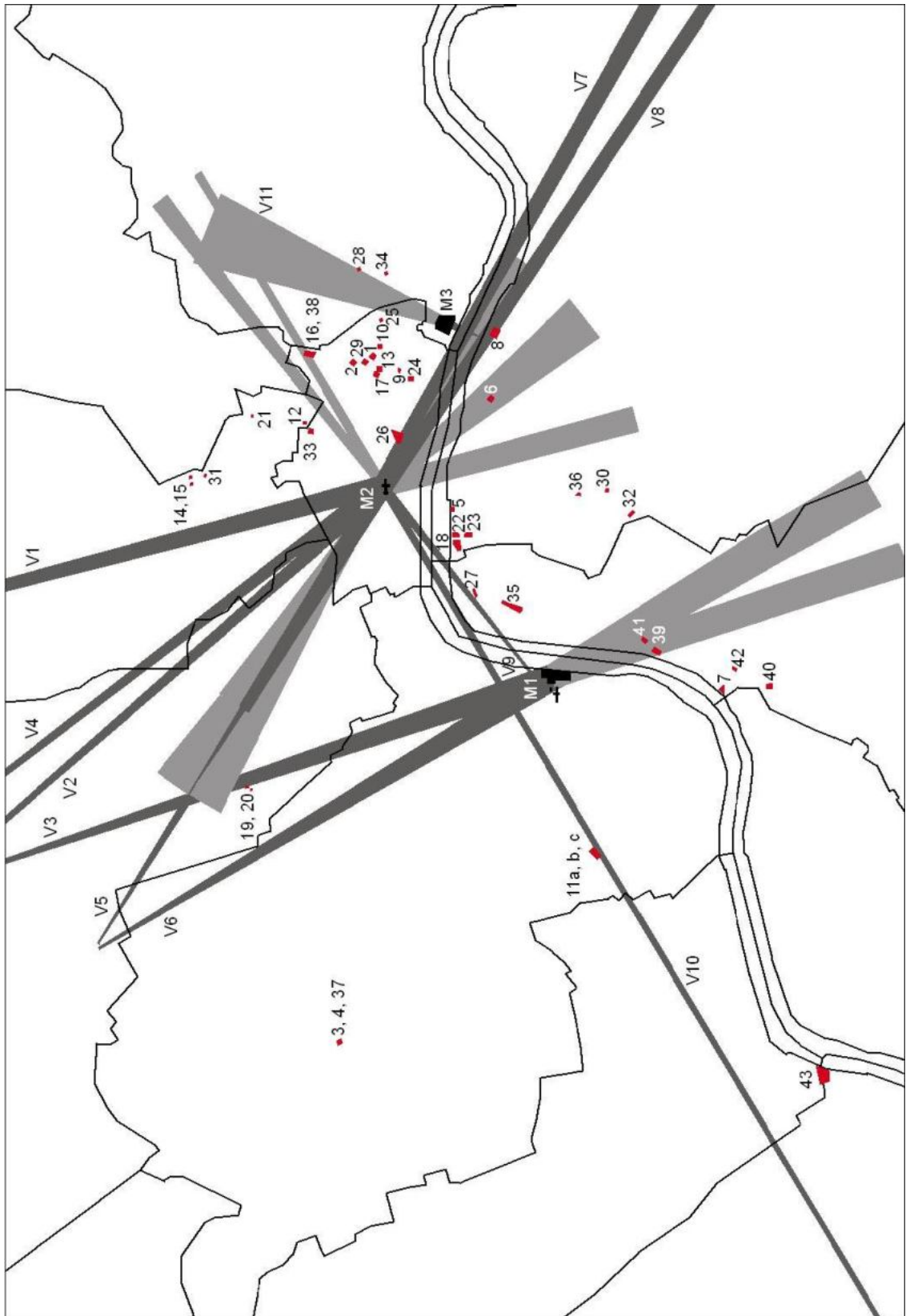
To begin with, the level of inclusion in the consultation process on the 2005 draft LVMF was very high. Stakeholders from public and private sectors as well as further interest groups were invited to comment in the consultation process (GLA 2005b). In addition, the consultants writing the 2005 draft LVMF had interviewed a large number of stakeholders including heritage groups as required by the GLA brief (GLA 2004c). There was an attempt to resolve the conflicts at hand between supporters and opponents of tall buildings. However, following the consultation process regarding the 2005 draft LVMF, the GLA realised that taking into account heritage groups concerns would restrict their ability to grant planning permission to tall building projects. In particular, the introduction of additional geometrically protected view corridors would allow heritage groups to construct strong arguments against precedent cases. As is evident in the consultation response submitted by the LAC, the WCC and the Royal Parks, heritage groups were aware of specific tall building proposals that were in the midst of the implementation process and that would have had a greater chance of success if the viewing corridors were reduced in width and the policy wording allowed development in the background (LAC 2005b; Colvin and Moggridge 2005; WCC 2005). Consequently, the exchange of arguments within this consultation process focussed on exactly these aspects of the emerging LVMF that removed tall building constraints in areas in which the RPG3A would otherwise have restricted development. These were background areas and strips released by the reduction of view corridors. In addition, it must be noted that the Heron Tower and Broadgate Tower proposals became another focus in the consultation process because their planning processes (they had been consented already but were being redesigned) were immediately affected by the emerging LVMF.

Following the criticism by developers and taking into account that support for tall building projects had already been indicated in pre-application discussions, partly known publicly through published Stage 1 letters, the GLA decided that all of the concessions made to heritage groups in the 2005 draft LVMF would be withdrawn: this is evident in the brief for the 2007 LVMF (GLA 2005c). The criticism made by heritage groups within the consultation process prompted the need for the expert consultants

writing the LVMF to adopt the background regulations so that the GLA could grant permission, and heritage groups would no longer be able to construct strong arguments against tall buildings in the background of geometrically protected view corridors based on the LVMF. Planning law states that the responses from the consultation should lead to policy amendments that take into account the criticism in order to maximise consensus and avoid negative impacts on the interests of stakeholders (OPSI 1990a). In the case of geometrically protected views and the method for backdrop assessment, the conflict was not being resolved here.

However, an additional result of the policy making process of the LVMF was that heritage groups felt that they had no reasoned basis on which to protect London's heritage assets. In relation to World Heritage Sites UNESCO became involved as a result of these concerns (DCMS 2007a).³² The involvement of UNESCO led to political turmoil at central government level, and resulted in the re-introduction of a view corridor from City Hall towards the Tower of London limiting developments in its setting (V 11 in map 8). Although No.1 Blackfriars Road and other tall building projects proposed in northern Southwark and Lambeth were not located within geometrically protected view corridors, the failure to resolve conflicts with heritage groups threatened their success. No.1 Blackfriars Road, the Doon Street Tower and Elizabeth House were mentioned as potential threats to London's WHSs (ibid.). Therefore, even though supporters of tall buildings were effective in obtaining policy guidance that assisted their cause, their actions led to an increase in conflicts with heritage groups with high level political consequences. Conflicting interests should of course be resolved through the national planning system, and an external arbiter such as UNESCO should not have to intervene. It can be concluded that the LVMF policy making process was very ineffective in terms of conflict resolution. The experts writing the LVMF followed GLA directions which alienated and marginalised heritage groups by incrementally reducing the validity of heritage-based arguments in the LVMF.

³² The UNESCO interference and its impact on policy making and implementation processes are discussed in detail in chapter 5.



Map 8: The view corridors of the finalised 2007 London View Management Framework in relation to tall building projects proposed. The drawing is based on the map contained in the 2007 LVMF (GLA 2007b: A7). Source: Author

Key to map 8

Monuments protected via view corridors

- M1 Palace of Westminster
- M2 St. Paul's Cathedral
- M3 Tower of London

The view corridors proposed in the 2007 LVMF

- V1 Alexandra Palace towards St. Paul's Cathedral
- V2 Parliament Hill to St. Paul's Cathedral
- V3 Parliament Hill to the Palace of Westminster
- V4 Kenwood to St. Paul's Cathedral
- V5 Primrose Hill to St. Paul's Cathedral
- V6 Primrose Hill to the Palace of Westminster
- V7 Greenwich Park to St. Paul's Cathedral
- V8 Blackheath Point to St. Paul's Cathedral
- V9 Richmond Park to St. Paul's Cathedral
- V10 Westminster Pier to St. Paul's Cathedral
- V11 City Hall towards the Tower of London

3.3 Qualitative Visual Assessment (QVA) methodology

This section analyses the methodology of the Qualitative Visual Assessment (QVA) which is the second type of view assessment advocated by the LVMF. In contrast to geometric management which determines height thresholds within view corridors, a QVA focuses on the use of photomontages (called Accurate Visual Representations – AVRs) which are evaluated based on qualitative criteria. The production and use of Accurate Visual Representations (AVRs) within townscape assessments is discussed in relation to the AVR specifications defined in the LVMF (GLA 2007b). Furthermore, the roles of townscape consultants and visualisation experts employed by the developer to produce townscape assessments are explained. The QVA methodology is evaluated against criticism raised by academics who challenged: i) the degree of objectivity of the AVR production (Day 2002); ii) the poor representation of human visual perception (Bosselmann 1998; Brooks 1999; Malkawi and Augenbroe 2004); and, iii) the focus on certain viewpoints at the expense of others, perhaps equally important (Tavernor and Gassner 2010). Additional concerns regarding economic issues related to the production of AVRs and townscape assessments are evaluated.

The QVA method and AVRs

As with the geometric management of visual impacts, the Qualitative Visual Assessment (QVA) method is defined in the LVMF. As has been determined, a development proposal that either blocks or unacceptably imposes visually on strategically important landmarks is inappropriate and will not be granted planning permission (GLA 2007b). A QVA is used to assess the visual impact of development proposals on views designated in the LVMF.³³ In terms of the practical application of a QVA, a townscape consultant employed by the developer has to use his or her objective judgement to determine the degree of visual impact. In order to do this, they cooperate with a specialised visualisation company which produces photomontages that show a photograph of the view as existing, and a computer-produced three-dimensional visualisation of the proposed tall building accurately inserted into this photograph as either wireline or rendered image. Wireline images, which accurately show the location, form and height of a tall building, are limited to line drawings (see image 3; AVR1).

³³ In addition to the ten views protected geometrically, the LVMF designates thirteen river prospects and four townscape views (GLA 2007b). All of these views need to be assessed using a QVA (ibid).

The technical aspects of producing AVRs are shown in more detail in appendices 17 to 23 of the 2007 LVMF (*ibid.*). These technical aspects range from the type of camera lens to the step-by-step process to be followed in inserting the visualisation of the proposed development. The visualiser has to determine the visual effects of façades based on existing projects. The visual façade effects then have to be accurately represented using a range of visualisation techniques (*ibid.*). Image 3 shows the different stages of representation used in AVRs.

Typically, the townscape consultant chooses through the scoping process, with the LPA responsible a representative range of views on which a proposed project could potentially have a visual impact (*ibid.*) and written evaluations are produced for these (Tavernor 2007a). For example, the townscape assessment produced AVRs and assessments of fifty views for the No.1 Blackfriars Road project (Tavernor 2006a). As can be seen in image 2, the visualisation experts have drawn the outlines (so called wireline images) of tall building projects that have been granted planning consent and will be visible in the view. The top of No.1 Blackfriars Road (2 in image 2) is located centrally in the middle of the AVR. The three-dimensional representation of the project shown in the AVR attempts to represent the visual façade effects of a glass façade which reflects sunlight differently on each part of the curved surface. The exact location of the project in relation to the photographic view is determined by using a computerised three-dimensional model of central London which takes into account the curvature of the Earth. Over the course of a project, the townscape consultant will present AVRs during the consultation processes, which are finalised for the planning application submission and, subsequently again, for the purpose of a public inquiry should this take place.³⁴ The production of AVRs and townscape assessments using QVA is a lengthy and very expensive process.

³⁴ In the case of No.1 Blackfriars Road, a full townscape assessment was produced in 2005, 2006 and 2007. For the public inquiry in 2008, additional townscape assessments were produced which assessed the visual impact of No.1 Blackfriars Road cumulatively, also representing the 20 Blackfriars Road project.



Image 2: Example of an AVR taken from the townscape assessment of the No.1 Blackfriars Road project from October 2006. Black wireline drawings show the consented tall building projects. Source: Tavernor 2006a: 53; © Cityscape3D

Figure 4 Defining the purpose of the AVR. For each AVR level many different rendering styles are available

AVR Level 0	Location and size of proposal
AVR Level 1	Location, size and degree of visibility of proposal
AVR Level 2	As level 1 + description of architectural form
AVR Level 3	As level 2 + use of materials



AVR 0
Showing Location and Size
(in this case as a toned area
superimposed on photograph)



AVR1
Confirming degree of visibility
(in this case as an occluded
'wireline' image)



AVR2
Explaining architectural form
(in this case as a simply shaded
render in a uniform opaque material)



AVR3
Confirming the use of materials
(in this case using a
'photo-realistic' rendering technique)

Image 3: Appendix 21 from the 2007 LVMF explaining the different levels of accuracy of AVRs.
Source: GLA 2007b: A21; © Greater London Authority, Miller Hare, Hayes Davidson

Key to image 2

- 1 Bishopsgate Tower
- 2 No.1 Blackfriars Road
- 4 King's Reach Tower Redevelopment

The issue of realism in qualitative view management and technical issues

A number of interviewees involved in the Qualitative Visual Assessments of tall buildings via the LVMF QVA method have argued that the photomontages used to represent the visual impacts of proposed buildings do not conform to human perception. The concerns presented by Paddy Pugh, a leading officer and director of English Heritage's London Advisory Committee (LAC), are typical of such criticism:

There is a real issue about how far something like this accurately portrays what a building will look like. You take a building like this [No.1 Blackfriars Road] and you actually go and stand on the bridge in St James's Park. That group of buildings is much more immediate, is much more prominent than it is shown in that photograph. Technically it has something to do with the fact that a photograph is two-dimensional and what you [actually] see is three-dimensional [...] you can't appreciate the depth of field. The whole thing becomes much more recessive. But, when you stand at the bridge in St James's Park, then that [the existing Foreign Office building] is much more prominent than it is shown in this photograph. Then, what you start to do is undermine the credibility of this image.

A central argument made by Pugh is that because AVRs do not accurately represent human visual perception, the credibility of AVRs should be challenged. Academics have also criticised the lack of realism of still images and provided some alternatives to overcome the problems. Day (2002) has suggested that 3D modelling should be included in the London approach to visual analysis. Tavernor (2007a) extends this argument by suggesting that, since cities are experienced kinetically, moving images might be developed for use in future assessments. Indeed, a video sequence was produced by the leading visualisation firm, Hayes Davidson, one of the pioneering firms for Accurate Visual Representations, in relation to the Heron Tower public inquiry (PINS 2002a).

Furthermore, in studies at the University of California at Berkeley it has been noted that photographs do not match the human visual field (Bosselmann 1998). Of particular relevance is Bosselmann's critique that the human eye perceives what it focuses on (represented in the AVRs) including peripheral vision (the field of vision on either side of the AVRs which is not included in the photos). Bosselmann reports that at UC Berkeley they aimed to develop a procedure for recording exactly what a person would see while driving, thus being in motion. It had been concluded that neither photographs nor cameras match the visual field of a person (ibid.). 'Any framed view, still or in motion, eliminates information available to peripheral vision that might draw attention

to right or left' (ibid.: 93). Without peripheral vision, people lose their sense of speed and are limited in their ability to orient themselves due to the visual absence of objects placed in the periphery of their view. Furthermore, seeing the world through the lens of a camera is like seeing with one eye. This property of photographs is referred to as monocular vision (ibid.). It is this aspect of AVRs that Pugh refers to as a lack of depth of field in his consideration of the photograph of the St James's Park view.

This discussion suggests that viewing experiences that do not involve peripheral vision, such as AVRs, do not match human visual perception since they do not include peripheral vision. Bosselmann's critique is along the lines of Paddy Pugh's argument, drawing attention to visual misrepresentation through the use of two-dimensional images. Furthermore, since the real world is not completely blocked out when a person looks at an image, it is argued that the viewer of the image is not fully immersed with all their human senses (Malkawi and Augenbroe 2004; Brooks 1999). It has been proposed that the technology of Augmented Reality (AR) could be used to overcome some of the limitations resulting from a lack of immersion.³⁵ Using AR technology, a person wears headgear which allows combining a visual experience of the existing environment with computer generated three-dimensional models (Azuma 1997). In addition, it has recently been demonstrated that the gaps between tall buildings differ significantly when the viewpoints from which views are experienced are varied (Tavernor and Gassner 2010). The problem of a lack of realism is recognised by practitioners as well as academics and solutions are being recommended. However, AVRs have to be used despite criticism since these are advocated by the LVMF.

In addition to these technical limitations on QVAs, there is also an inherent disadvantage which relates to the cost of producing AVRs and townscape assessments. During the course of designing and planning for a tall building project, AVRs are

³⁵ The purpose of Augmented Reality technology is to combine real and virtual objects in 3D space. The basic properties of AR systems are: i) blending real and virtual in a real environment; ii) real time interactive; and, iii) registered in 3D (Azuma 1997). Augmented Reality as a field of research has existed since the late 1980s, early 1990s (Azuma et al 2001). Since the person using AR technology is visually aware of the technology there is still a problem with representing human visual perception. Weiser stated that machines should fit the human environment rather than forcing humans to enter the environment that is created by machines. He extends this argument stating, 'we believe that people live through their practices and tacit knowledge so that the most powerful things are those that are effectively invisible in use' (Weiser 1994). Abwod et al defined some areas of research seeking to overcome the problems perceived with AR. The everyday practices of people must be understood and supported, the world must be augmented through the provisioning of heterogeneous devices offering different forms of interactive experience, and the networked devices must be orchestrated to provide for a holistic user experience (Abwod et al 2002: 48).

produced consecutively throughout a process that may last for several years. Appendix 8 shows that the planning processes for No.1 Blackfriars Road lasted for almost five years. During this process, a townscape assessment with updated AVRs had to be submitted for each of the three planning applications (Ian Simpson Architects 2008). As part of the design process of a tall building, the townscape consultant uses AVRs to advise the design team, and the architect in particular, with regard to potential design improvements in relation to the scale and mass of the evolving design – which is at the root of townscape. Thereby, the townscape consultant and visualisation specialist are required to test the visual impact of a design as part of an intensive process.

Heritage groups on the other hand are less likely to produce AVRs themselves and tend to be reliant on what they are presented with. First, they are very expensive and English Heritage and other heritage groups are unlikely to have access to an accurate computer model of the proposed scheme. These data are owned by the developer who has no reason to share them with heritage groups who may oppose the project in the future. Furthermore, it is difficult for English Heritage both with regard to its financial resources and in terms of the time available to respond to every precedent case, let alone every tall building project, that is likely to have a marked visual impact on heritage assets. Tavernor has argued that a publicly accessible tool for assessment would provide for a more democratic planning process for tall buildings (Tavernor 2007a). If independent experts were to be employed as managers of such a publicly accessible tool, only then, I suggest, could this option overcome the current disadvantages. Little cost would be involved for the organisation undertaking an assessment. Currently, the QVA allows the private sector to advocate their interests very well, while other parties are at a severe disadvantage.

Criticism that the visual information provided is misrepresentative and overly selective, is a fundamental concern (Bosselmann 1998; Day 2002). Peter Stewart, while the head of Design Review at CABE, argued that within visual impact assessments both the visualiser's images and the townscape consultant's words are used to try and persuade, or even mislead, a decision maker that a project does not cause visual harm, while it actually might appear harmful when seen from a different viewing angle (Stewart 2003). In particular, the representation of façade materials involves a significant degree of subjective decision making by the visualisation company (Day 2002). Day further argued that the visualisation expert—a graphic artist—is naturally tempted to make the

building look as good as possible to ensure further work (ibid.). Solving the problem of subjective representation is difficult. The architects want their design to look as good as possible, as does the visualisation company, and both are employed by the developer. These concerns are addressed to some extent by the methodological guidance set out in the LVMF, which defines appropriate camera lenses as well as the process by which the three-dimensional representations of tall buildings are included within AVRs (GLA 2007a). Visualisers are required to use specified software to represent façade materials. The visual appearance of these is cross-checked against the visual appearance of existing buildings using the same materials. However, the visualisation company will still adjust the visual appearances of façades by eye under guidance or instruction by architects during the design process so that there remains a degree of artistic licence in the final representation.

The only way by which subjectivity in QVAs could be removed is to enable all parties to produce AVRs using a comparable type of visualisation. The technology of augmented reality as discussed above could be suitable for this task. Objectors would have to be able to amend the visualisation so that the visualisations represent what they think of how the building will look like when finished. The discussion would then centre on issues of accuracy of the representation of façade materials. As it stands, from economic and practical points of view, the QVA method excludes heritage groups by leaving the developers and the design team in control of the process.

3.4 QVA background assessment: St James's Park towards Horse Guards Road townscape view

This section focuses on the contents of the management plan of the townscape view from St James's Park towards Horse Guards Road. The management plan is a section of the LVMF that deals specifically with a view and which sets out guidelines for the assessment of visual impacts of tall buildings (GLA 2007b). It is considered how the experts writing the management plans of the St James's Park view in the 2005 draft LVMF (GLA 2005a) and the 2007 LVMF (GLA 2007b) sought to constrain the visual impact of tall buildings in the background of this view. Tall building proposals located in the northern parts of Southwark and Lambeth, as well as in the Eastern Cluster in the City of London have the potential to be visible in the St James's Park view. These projects were in the implementation process while the 2005 draft LVMF and 2007 LVMF were being written. As a result, governmental agencies assessed the impacts of these projects on the St James's Park view prior to the publication of the LVMF. Experts who produced the 2005 and 2007 versions of the LVMF have also been employed by developers of these tall building projects. It is therefore of particular interest to examine what the impacts of implementation processes and the private experts were on the versions of the LVMF in 2005 and in 2007.

Background assessment in the St James's Park view

At paragraph 316 of the management plan in the 2005 draft LVMF, the text of which was written by Richard Coleman, the view is divided into three vertical zones, each of which constrains future development in a different manner.³⁶ The rooftops of Whitehall Court and Horse Guards to the left are described as congruent with the sense of mystery and the picturesque (zone A in image 4) (GLA 2005a).³⁷ The reasoning provided is that the pyramidal shaped rooftops of Whitehall Court and Horse Guards are similar in their form to the landscape elements of the surrounding trees and Duck Island (ibid.). According to paragraph 320, new development must blend in with the existing form of trees and rooftops (ibid.). As can be seen in image 4, the Bishopsgate Tower proposal—the Pinnacle—was designed to resemble the dynamic skyline form. English Heritage considered that the 2005 proposal for No.1 Blackfriars Road, also in zone A, would have been prominent and there was the threat that decision makers may conclude that

³⁶ Appendices 13, 14 and 15 provide annotated versions of the St James's Park view.

³⁷ The complete text of the management plan of the St James's Park view contained in the 2005 draft LVMF can be found in appendix 16.

the proposal was therefore unacceptable. The Foreign Office with its rectangular geometry is described as providing a less dynamic skyline (zone B) (ibid.). 20 Blackfriars Road as proposed in 2005 would have been a dominant visual element in zone B (Wilkinson Eyre Architects 2008). Therefore, the project might have been considered unacceptable if assessed against the wording contained in the management plan. To the far right, the Shell Centre, of which only a slither is visible and the London Eye are described as breaking the sense of mystery and picturesque quality due to their different scale and geometry (zone C) (GLA 2005a). Based on the rationale for assessment contained in the management plan, tall building development would have been acceptable in zone C and with restrictions in zone B.

In consultation regarding the 2005 draft LVMF, the Royal Parks stated that they were willing to accept future development to the right (in zone C). The London Bridge Tower was not objected to because it does not appear visible 'from core areas or in views where it would cause harm' (Colvin and Moggridge 2005a: 1). A dotted line in image 4 shows how the Royal Parks wanted the view to be geometrically protected. Development would have been acceptable below this dotted line, according to the Royal Parks. However, they argued that the visibility of new development is not acceptable behind Horse Guards (zone A) or Duck Island (zones A and B) (ibid.). Both the WCC and the Royal Parks demanded the geometric protection of the view which they considered to be the only acceptable mode of protection that guarantees that the clear sky space is not marred by new development (Colvin and Moggridge 2005a; WCC 2005). The radical position that no development should be visible in the view is the same position that had been advocated by English Heritage, the WCC, the Royal Parks and the Prince's Foundation in the consultation process regarding the draft London Plan in 2003 (GLA 2003b).

By the time the 2005 draft LVMF was published, assessment reports stating the conclusions of CABI and English Heritage were available in the public sphere and therefore proponents of tall buildings as well as heritage groups were aware that these tall building projects were proposed in the background of the St James's Park view. English Heritage assessed No.1 Blackfriars Road in December 2006. It concluded that both the 2005 planning application with a design 226 metres tall and the 2006 planning application at 178 metres were unacceptable when assessed with the 2005 draft LVMF because their form and scale were clearly recognisable and 'wholly different from the

spires and domes which comprise the existing group' (English Heritage 2006a: 2). Although No.1 Blackfriars Road was much further away than the existing historic buildings (approximately 2.5 kilometres), the project was assigned a similar visual presence in the view of English Heritage. In conclusion, English Heritage recommended that the LB Southwark refuse planning permission and if it did not do so, English Heritage would seek a call-in by the Secretary of State (*ibid.*).

CABE reviewed No.1 Blackfriars Road in January 2007. Its Design Review Panel (DRP) concluded that its visibility in the St James's Park view was acceptable subject to the project being of the highest design quality (CABE 2007a). 20 Blackfriars Road in the two tower version as shown in image 5 and assessed in April 2007 was seen as 'elegant additions to the skyline' (CABE 2007b: 4). 20 Blackfriars Road in its 2005 planning application included a single tower solution which was criticised for its bulky mass within the CABE DRP (CABE 2005c). The design team, certainly considering the advice of Coleman, their townscape consultant, opted for a two tower solution as a result. The GLA Stage 2 report regarding No.1 Blackfriars from April 2007 takes into account the developments of Bishopsgate Tower, 122 Leadenhall Street and King's Reach as precedents for visibility. The GLA report concludes that No.1 Blackfriars Road would be of the highest architectural quality and the proposal would not dominate or overpower the view (GLA 2007e). Regarding 20 Blackfriars Road, the GLA Stage 2 report from May 2007 concluded that because only a small part of the top is visible, the proposal is compatible with the scale of existing buildings and is acceptable (GLA 2007d). The positive assessment results by the GLA and CABE are both based on conclusions regarding the quality of architecture and the visibility of precedent cases.

Background assessment was amended in the 2007 LVMF. Paragraph 7 of the 2007 LVMF St James's Park management plan divides the view into two parts, left and right of the centre (image 5).³⁸ The Bishopsgate Tower which had been granted planning permission was not called in by Deputy Prime Minister John Prescott and therefore set a precedent for the visibility of a new development in zone A (GOL 2006). The proposed projects of No.1 and 20 Blackfriars (2, 3) and Doon Street Tower (5) were located in zone B of the view. Zone B to the right of centre includes buildings of rectangular geometry, such as the Foreign Office, the Shell Centre and the London Eye. Paragraph 7

³⁸ The complete text of the management plan of the St James's Park view contained in the 2007 LVMF can be found in appendix 17.

also states that historic and modern buildings both appear in the background. Furthermore, the text suggests that because the modern buildings in zone B contribute positively to the view, further development could do the same. The King's Reach Tower Redevelopment, of which part of the top floor is visible as a horizontal slither, set another precedent for the visibility of a modern building in zone B, having been granted planning permission in July 2005 (LB Southwark 2005c). The new division of the view into two zones left and right of the centre of the view placed the design teams of the proposed projects of No.1 and 20 Blackfriars Road and Doon Street Tower in a better position to argue that both projects were acceptable visually since they are located in zone B, where modern architecture is already a visible part of the view's composition.

Conflict resolution through the 2007 LVMF

As has been demonstrated above, there was a significant conflict between supporters of tall buildings in the background of the St James's Park view and heritage groups. Thus, the effect that the 2005 draft LVMF and the 2007 LVMF had on the resolution of this conflict is important. The LVMF management plan regulating the assessment of the background of the St James's Park view was incrementally shaped so as to reduce constraints on tall building projects which were in the midst of the planning implementation processes. During the writing of the 2005 draft LVMF, the No.1 and 20 Blackfriars Road and Bishopsgate Tower projects were assessed by governmental agencies.³⁹ Thus, these projects and their potential visual impacts on the St James's Park view were well known to tall building experts. During the making of the 2007 LVMF, amendments to these projects and the King's Reach Redevelopment and Doon Street Tower were discussed and reports were publicly available.⁴⁰ As the discussion on the division of the St James's Park townscape view into zones shows, in the policy making processes with regard to both the draft and the finalised versions of the LVMF, the management plan of the townscape view was shaped to provide the basis for an argumentative rationale by townscape consultants such that the tall building projects being proposed were consistent with visual assessment criteria in the LVMF.

³⁹ The tall building proposals for No.1 Blackfriars Road and 20 Blackfriars Road had been known in expert circles since between January and March 2005. No.1 and 20 Blackfriars Road as well as the Bishopsgate Tower were considered by the CABE DRP in March 2005 (CABE 2005a; c; d).

⁴⁰ The planning application for the Doon Street Tower was first submitted to the LB Lambeth in November 2005 (PINS 2009). The King's Reach Tower Redevelopment had been presented to the CABE DRP in May 2005 (CABE 2005e).

In particular, the separate CABE DRP and GLA reports concluded that the tall building projects were acceptable due to existing precedent cases and the proposed high quality of architecture (CABE 2007a; CABE 2007b; GLA 2007d; GLA 2007e). These were the values foregrounded in the management plan of the St James's Park view in the 2007 LVMF. The value of integration in the view, on which English Heritage based its reasoning, was excluded from the management plan (as is evident in their consultation response regarding No.1 Blackfriars Road (English Heritage 2006a)) and, as a result, carried little weight in the assessment and decision making by the GLA and CABE. English Heritage insisted that the project integrates into the view, relating its scale, geometry and form of the tower to the existing buildings of Horse Guards and Whitehall Court (*ibid.*). In the process of writing the management plan for the St James's Park view rationale that allowed supporting tall building development in the background of the view was strengthened and conflicts between heritage groups and supporters of tall buildings were not resolved.

The 2007 LVMF bases the QVA methodology on the aspect of visual dominance (GLA 2007b). In order to understand the significance of visual dominance, paragraph 7 of the 2007 LVMF management plan requires further scrutiny. In particular, the scale and geometry of the proposal are emphasised in order to assess whether a development proposal that is visible in the St James's Park townscape view overpowers and therefore claims visual dominance in the view (*ibid.*). It is concluded that if a development proposal does dominate or overpower the view then the proposal would be unacceptable and the GLA is likely to direct the LPA to refuse planning permission.

However, the terminology of 'appropriate scale and geometry' does not provide an absolute value that would allow for an unambiguous assessment (*ibid.*: 230). It is therefore up to the judgement of the townscape consultant, the decision makers and the assessors, the GLA, the responsible LPA, English Heritage and CABE to interpret these paragraphs and to define what is appropriate and what is not. Importantly, the term 'exceptional quality' (*ibid.*: 230) is based on the quality of design agenda advocated by the Urban Task Force Report and the 2000 White Paper, and is enshrined in By Design and the London Plan (DETR and CABE 2000a; GLA 2004a). The assessors of design quality nationally are CABE, the GLA regionally, and then the local borough. English Heritage is only a secondary assessor regarding design since its primary statutory duty is the protection of heritage (Her Majesty's Stationary Office 1983). Therefore, decision

making power regarding quality of design lies in the hands of organisations that supported tall building developments in most cases between 2000 and 2007. Heritage groups were excluded to a significant degree from assessments since heritage-based values were no longer part of the St James's Park management plan. Based on the above discussion, it must be concluded that the LVMF incrementally reduced the constraints on tall building development in the background of the townscape view from St James's Park as it evolved during this period.

Crucially, the townscape consultant employed to write the contents of the LVMF, Richard Coleman, also was advising on the design of 20 Blackfriars Road, which would be visible in the background of the view (PINS 2009a). Similarly, the experts writing the townscape section of the management plan in the finalised 2007 LVMF were Dr Chris Miele and Karen McAllister from RPS Group. Miele also wrote the townscape assessments for the Doon Street Tower project which is visible in the St James's Park view (Miele 2008). Miele had been involved in the Doon Street Tower project since 2003, working for Alan Baxter Associates at that time. When he changed jobs from Alan Baxter's office to RPS and later to Montagu Evans, he took the Doon Street Tower project with him (*ibid.*). Therefore, there is considerable potential for conflict of interests since the consultants worked both as policy makers for the GLA and as consultants for the developers of tall buildings that would be visible in the view. Thus, it must be examined in more detail whether consultants shaped the LVMF to support the projects they were involved in or whether they remained impartial.

The briefs provided by the GLA to the consultants writing the 2005 draft LVMF and the 2007 LVMF show that the GLA demanded that the constraints on tall building development should be reduced (GLA 2004c and 2005c). Furthermore, the GLA, following pre-application discussions, had agreed to support all of the tall building projects visible in the St James's Park view prior to or during the drafting of the different versions of the LVMF (GLA 2005 e, g). Within these pre-application discussions, GLA officers had concluded that the visibility of the projects in the St James's Park view was acceptable. Therefore, the decision to support the tall building projects by reducing the constraints on the visibility of development in the background of the St James's Park view was taken by the GLA and not by the consultants employed to produce the contents of the LVMF. As confirmed in interviews, the experts had to disclose potential conflicts of interest based on the GLA code of conduct (GLA 2008c).

Furthermore, the responsible planning officers at the GLA also confirmed in interviews with me that they managed the process of producing the LVMF and edited the final contents. While there was potential for conflict of interest, consultants do not appear to have misused their involvement in policy making to support the projects they were involved for private interests. Indeed, as has been demonstrated in previous sections, Coleman actually was placed in a difficult situation since his compromise with heritage groups, i.e. proposing to introduce heritage values and strengthen visual protection, resulted in him not being employed by the GLA for the production of the 2007 LVMF (and as we shall see, it resulted also in him being given a secondary role at the joint No.1 and 20 Blackfriars Road public inquiry).



Image 4: Zones of St James's Park view in the 2005 draft LVMF. The view is divided into three zones shown in different grey scales (letters A, B and C). Source: Author



Image 5: Zones of St James's Park view in the 2007 LVMF. The view is divided into two zones shown in different grey scales (letters A and B). Source: Author

Key to image 4

- 1 Bishopsgate Tower (as proposed in May 2005)
- 2 No.1 Blackfriars Road (as proposed in May 2005)
- 3 20 Blackfriars Road (as proposed in May 2005)

Key to image 5

- 1 Bishopsgate Tower (as amended in 2006)
- 2 No.1 Blackfriars Road (as amended in 2007)
- 3 20 Blackfriars Road (as amended in 2007)
- 4 King's Reach Tower Redevelopment (November 2005)
- 5 Doon Street Tower (as amended in August 2007)

3.5 Qualitative terminology in QVA

This section focuses on the specific qualitative terminology contained in the management plan of the townscape view from St James's Park towards Horse Guards Road in both the 2005 draft LVMF (GLA 2005a) and the finalised 2007 LVMF (GLA 2007b). The previous section analysed the constraints on tall building development in the background of the view. In contrast, this section concentrates on terminology that describes the values of the view against which the impact of tall buildings is to be assessed. The experts writing the 2005 draft LVMF sought to take on terminology suggested by heritage groups by way of compromise. However, this terminology was neither accepted by supporters of tall buildings nor by heritage groups. The experts writing the 2007 LVMF amended the terminology and introduced the notion of quality of architecture into visual assessment methodology. Data gained in interviews provide insights into the reasoning for choosing and amending the qualitative terminology used in the management plan of the St James's Park view. The interviews were conducted with the experts, John Hare and Dr Chris Miele, who contributed to the 2005 and 2007 versions of the LVMF and Paddy Pugh, who is a senior English Heritage officer.

Qualitative wording of the St James Park view

The wording of the 2005 draft LVMF of the St James's Park view management plan includes terms specifically geared towards assigning an experiential value to the view. The management plan of the St James's Park view employs the terms, 'mystery' and 'picturesque', to describe the quality against which new development visible in the background should be assessed.⁴¹ Mystery and picturesque are emotive terms. The term mystery is derived from a number of studies of the visual qualities of the St James's Park view. The St James's Park view had previously been assigned similarly romantic and Arcadian qualities in reports by LPAC and the London Research Centre (LPAC 1999; Catchpole 1987), which the 2005 draft LVMF appears to have extended. A clear statement that the view should be protected geometrically, similar to the strategic RPG3A views, was not advocated at that time. Colvin and Moggridge, the landscape architects producing consultation responses on behalf of the Royal Parks, assigned the quality of mystery to the St James's Park view in their report in 2001 (Colvin and Moggridge 2001). They argued that because the view was of such significant quality it

⁴¹ Appendix 16 contains the full text of the management plan of the 2005 draft LVMF.

should be protected geometrically, thereby ruling out any new development visible in the background (ibid.). I asked John Hare, one of the two expert consultants who wrote the 2005 draft LVMF, what his reasoning for choosing the specific wording was and how he reacted to the request of stakeholders to protect the view geometrically.

Juergen:

Will St James's Park be managed geometrically then?

John Hare:

No. We decided that it could not be managed geometrically. There were two reasons. One is that there was no easy geometric thing you could define, because it's a widely irregular skyline with trees in between them, that mystery thing. You could not draw the line. [...] The second one is Richard [Coleman] and I did not sell the argument [to the GLA] that the nature of the Royal Parks should be: You never see tall buildings. So we could not accept the argument [for geometric control].

From the quote it can be derived that the consultants decided against geometric protection of the view because there was no landmark visible in the view with heritage values of the calibre of the Palace of Westminster, St Paul's Cathedral or the Tower of London. These are the landmarks protected geometrically via the RPG3A and the LVMF view corridors. Geometric protection would have resulted in tall building development being excluded from the background of the St James's Park view, something which was deemed undesirable by the GLA when providing the brief for the LVMF (GLA 2004c). However, the brief did recommend that the consultants interview stakeholders during the process of drafting the 2005 draft LVMF (ibid.). Taking into account the concerns of heritage groups proved difficult.

Heritage groups argued repeatedly that they wanted the background sky to be left unaltered. Hence, no development should be visible in the background of the view.⁴² However, the GLA had agreed to support the tall building projects of Bishopsgate Tower and No.1 and 20 Blackfriars Road in pre-application discussions and through reports, which would be visible in the view's background (GLA 2007d; e). The inclusion of the terms of mystery and picturesque was therefore an attempt made by the consultants to reflect the heritage groups' concerns. Although geometric protection was

⁴² Examples for this argument are the Royal Parks contour map approach as discussed in the previous chapter. English Heritage had supported this approach in consultations regarding the draft London Plan (GLA 2003b). However, English Heritage changed its position later, most likely to avoid accusations of a general bias against tall buildings. The WCC had argued in consultations regarding the 2005 draft LVMF that any development in the background would constitute damage to the view (WCC 2005).

not provided, the use of emotive terminology acknowledged the significance of the view according to the Royal Parks, as set out in the report by Colvin and Moggridge (2001). In theory neither mystery nor the picturesque automatically exclude tall buildings from the background of the view. This was an attempt to compromise and, through that, gain the support of heritage groups in order to reduce the need for public inquiries.

However in the consultation process, the qualitative terminology advanced by Richard Coleman did not gain support from either supporters of or objectors to tall building development (GLA 2005b). A comparison of interviewee accounts shows that it was recognised that there would be severe problems if the terminology of mystery was adopted. Dr Chris Miele, sums up the concerns regarding mystery that are characteristic for both supporters and objectors to tall building development:

Dr Chris Miele:

I did not understand the 2005 version description of the St James's Park view. It is almost impossible to understand.

Juergen:

Picturesque, mystery of the view... is that what you mean...

Dr Chris Miele:

I still don't understand what that means. I understand picturesque because that is a term from English landscape architecture, but mystery is one that [...] I literally could not understand. I know how it has been changed but I did not change it. We worked through the whole of the thing and highlighted some sections just to draw attention to areas that were unclear because they relied too much on judgement of a subjective nature. Because what [...] the mayor wanted his document to do was to set out clearly how you go about the process, accepting that many of these judgements are subjective.

Paddy Pugh from English Heritage also argued that mystery was a term that was unsuitable for assessments purposes as it is emotive and lacked the objectivity of planning concepts. Consequently, as Miele explains, in 2007 the experts sought to avoid subjective terminology. Heritage-based terminology was replaced with a set of values that put the quality of architecture at their centre in the 2007 LVMF.

Instead it was proposed that projects should be measured in the assessment against the criteria of dominating (negative) and enhancing (positive) (GLA 2007b).⁴³ Whether a proposed tall building dominates a view also has to be assessed in relation to precedent

⁴³ Appendix 17 contains the full text of the management plan of the townscape view from St James's Park towards Horse Guards Road in the 2007 LVMF.

cases that have been granted planning consent, and which are visible in the St James's Park view. If a tall building does not appear taller than an existing precedent case then it is unlikely that it can be argued that it dominates the view. The quality of enhancing the view is related to the quality of the architecture of the proposed tall building, particularly its top. Both the GLA and CABE had concluded in their assessments of the No.1 and 20 Blackfriars Road and the Doon Street Tower projects that these were of highest architectural quality (CABE 2007a, b, g; GLA 2007c; d; e; g). Therefore, taking into account the importance of the assessment terminology of enhancing, it was very hard to argue for detractors that the proposed tall building projects would not enhance the view. As a result, the new terminology contributed to establishing greater certainty for the developers of the tall building projects visible in the background of the St James's Park view.

The 2007 LVMF management plan of the St James's Park view is taken into account in order to determine how effective the amended wording was in terms of conflict resolution. Paddy Pugh from English Heritage describes his perception of the 2007 LVMF as follows:

[Y]ou can't adequately describe [the St James's Park view] or describe its significance in a couple of sentences. The other thing that it does not do is give you any clear guidance as to how to assess a proposal against the significance that it does not describe. So what you get is identification that this view is important. You get no real guidance as to why it is important. And you get no real guidance as to how to assess a proposal against that view.

Pugh argued that the 2007 LVMF is inadequate for applying the assessment of a visual impact. His statement is congruent with the interview accounts of John Hare and Frank. John Hare argued that English Heritage was right to be upset about the 2007 LVMF and its lack of guidance. Frank also considered that the GLA's removal of terminology from the management plans that usefully describes heritage values did not contribute to conflict resolution. Frank, who had led the writing of the DEGW report in 2002, stated that their vision was that qualifying language would be a central part of management plans. Qualitative descriptive language, he argues, should encompass the values that the society of that specific time assigns to the views. The amendments made to the management plan of the St James's Park view and those made to the QVA methodology clearly placed heritage groups in a position from which they were unable to formulate arguments against the visibility of tall buildings. Furthermore, English Heritage stated

in the LAC minutes from March 2007 that it was only consulted unofficially regarding the 2007 LVMF as the GOL had decided that there would not be another official consultation process (LAC 2007b). The LAC concluded that their attempts to influence the 2007 LVMF had proved ineffective and that it would therefore produce its own guidance, *Seeing the History in the View: A Method for Assessing Heritage Significance Within Views* (English Heritage 2008a), setting out its own approach to the QVA (ibid.). Based on this analysis, it must be concluded that conflict resolution was ineffective since the 2007 LVMF was not accepted by heritage groups as a tool appropriate for assessing the visual impact on London's heritage assets.

A comment by the Royal Parks questioning the impartiality of the consultants writing the LVMF necessitates an analysis of conflict of interest. In a consultation response to the GLA regarding the Bishopsgate Tower, Colvin and Moggridge insinuated that the involvement of the townscape consultant, Richard Coleman, in a number of tall building projects questions his impartiality as a contributor to the 2005 draft LVMF.⁴⁴ Indeed, Coleman was also the townscape consultant for 20 Blackfriars Road which appeared as a very tall element in the St James's Park view in its 2005 version. In addition, Dr Chris Miele, co-author of the 2007 LVMF, was the planning and townscape consultant for the Doon Street Tower project. Therefore, there was the potential that the consultants might be in conflict over the interests of developers of tall buildings visible in the St James's Park view and the GLA for which they wrote the successive versions of the LVMF.

However as has been shown previously, the GLA had strongly supported these tall building projects prior to and during the writing of the LVMF (GLA 2005e; 2007d; e). In addition, the GLA planning officers overseeing the LVMF production process and editing the final document ensured that the finalised LVMF strictly followed the GLA agenda. Furthermore, as has also been confirmed in interviews with GLA planning officers, there was close scrutiny of the finalised 2007 LVMF by both the DCMS and representatives of UNESCO. Thus, the potential argument that the consultants writing the LVMF would have misused their positions should be excluded.

⁴⁴ In the consultation response regarding the Bishopsgate Tower, in which the Royal Parks raised strong objections to the way in which the 2005 draft LVMF had been applied by the townscape consultant and the wording of the draft LVMF management plan of the St James's Park view, they state: 'It should be noted that the author of the draft SPG is a tall building consultant and that the document fails to analyse or take account of London's landscape characteristics, being building based. This may be the reason why the qualities of this view are not properly analysed in the draft SPG.' (Colvin and Moggridge 2005b: 2).

3.6 Conclusions

Principally, the LVMF policy making process needed to focus heavily on resolving the conflicts between the GLA and heritage groups. The costly public inquiries with regard to precedent tall building projects and the infighting via published statements in the media had negative effects on developers, the GLA, as well as heritage groups. Consequently, the LVMF was supposed to provide an assessment method shared by both supporters and opponents of tall buildings so that the conflicts could be resolved and public inquiries avoided. However, conflict resolution in the policy making process proved insufficient.

The consultants writing the 2005 draft LVMF attempted to compromise with heritage groups by increasing the number of geometrically protected view corridors as a trade-off against the reduction of view corridors and the potential for tall buildings to appear in their background (BDAL), previously protected through RPG3A. Furthermore, the consultants also incorporated values (derived from consultation with heritage groups) against which views should be assessed using the qualitative measures of a QVA, as discussed in relation to the townscape view from St James's Park towards Horse Guards Road. The 2007 version, written by a new group of consultants, neither achieved a compromise nor minimised heritage concerns. Any argumentative rationale allowing for the value judgements demanded by heritage groups was taken out of the LVMF and replaced by a rationale that foregrounded the quality of the architectural design. This strong pro-tall building stance by the GLA increased certainty for developers, but did nothing for conflict resolution.

A by-product of the consultation process within the LVMF policy making process was an increase in uncertainty for developers due to unresolved and indeed exacerbated conflicts between the GLA and heritage groups. The overall level of inclusion in the consultation process was very high. All the stakeholders that had vested interests and also the knowledge and expertise to make significant statements were included in the official consultation process. However, the resultant QVA method excludes heritage groups in particular through its use of costly AVR and townscape assessments as well as through the inaccessibility to geometrical building data owned by developers. While the QVA method as currently practised does not represent actual human visual

experience accurately, I believe it is close enough to human visual experience to allow for an objective assessment.

The bigger problem it appears is that the QVA method advocated by the LVMF was not accepted by heritage groups, and the incremental marginalisation of heritage groups led to an increase in conflict. In particular, the emphasis on the quality of architecture as the key value against which tall buildings' should be assessed excluded heritage groups from making arguments of significant weight in the planning processes: CABE are the arbiters of design quality not English Heritage. Heritage groups felt excluded. UNESCO got involved to try to put pressure on the national government, and force the mayor and the GLA to extend the boundaries of visual protection of London's heritage assets. This led to an increase in the likelihood of tall building public inquiries, since the DCMS identified No.1 Blackfriars Road and other tall building projects as potential threats to central London's WHSs (DCMS 2007a). This in turn resulted in an increase in uncertainty for developers. While certainty for developers was increased through the strong support of tall building development by the GLA, certainty was decreased through the failure to resolve conflicts in the policy making process.

In the LVMF policy making process, implementation processes with regard to tall building projects preceding the policy making had significant impacts on the emerging policy guidance. In the public inquiry process regarding the London Bridge Tower, the argumentative rationale for assessing the background of view corridors (regulated in the LVMF via the BDAL) was determined. The emerging line of reasoning for assessments was incorporated into the LVMF. Consequently, proposed tall building projects at Bishopsgate that would be visible in the background of a geometrically protected view corridor, had a much greater chance of success. The No.1 and 20 Blackfriars Road, Doon Street Tower and Bishopsgate Tower projects had been supported by the GLA prior to the drafting of the management plan for the St James's Park view in the LVMF.

The management plan of the St James's Park view was shaped, following GLA directions, so as to reduce the constraints on tall building development visible in the background of the view. These actions resulted in mistrust of the policy making process since heritage groups perceived this as a coordinated attempt at marginalisation, severely limiting their abilities to represent their interests to heritage protection. As a result, heritage groups did not support the LVMF because they perceived it as an

inappropriate tool for visual assessments. Furthermore, the simultaneity of the policy making and implementation processes focussed the debate in the consultation phase on those aspects of the LVMF that would later determine the acceptability of the tall building projects in the planning process at the time.

The Royal Parks questioned the objectivity of the 2005 draft LVMF as private sector experts involved in tall building projects were its authors. However, no instances were identified that give rise to assumptions of misuse of their public sector positions. Indeed, the GLA profited from the expertise the experts had gained in practice, which resulted in policy guidance that strengthened its position as supporters of tall buildings. The writers of the 2005 draft LVMF may have even suffered a loss of credibility by the GLA and the developers due to their attempt to compromise with heritage groups, by increasing the constraints in the LVMF.

The LVMF constitutes an instance of trading off heritage protection against architectural quality. The foregrounding of the values of quality of architecture in the LVMF methods, both in background assessments in areas regulated via the BDAL as well as in the QVA method, is coherent with the agenda of the national government and national policy. Therefore, the principal requirement of the plan-led approach that regional policy must be based on national policy is fulfilled. Furthermore, the foregrounding of the quality of architecture empowers the GLA, LPAs and CABE in assessment processes. Because of the strong focus on architectural quality, it can be demanded in assessment processes that developers and architects increase these qualities of their projects significantly. Developers in turn tend to be willing to invest in architectural quality if this directly reduces the likelihood of strong opposition from heritage groups, and results in the support of the GLA, LPAs and CABE. However, again, the strengthening of the quality of architecture values through the LVMF has marginalised heritage values.

4. English Heritage and CABE

This chapter considers the roles of CABE and English Heritage in planning processes for tall buildings in central London. CABE was set up by the Secretary for Culture Media and Sport in 1999 (PINS 2002a). It emerged out of the Royal Fine Art Commission which was disbanded and subsequently replaced by CABE. Its major role regarding tall building developments is to ensure that projects granted planning permission are of the highest quality in terms of architecture and urban design (DETR and CABE 2000a). English Heritage was already set up in 1983 through the National Heritage Act (Ministry of Justice 1983). English Heritage's major role in the planning process is the safeguarding of the cultural heritage of England, such as monuments, conservation areas and World Heritage Sites (*ibid.*). Both English Heritage and CABE are non-departmental governmental bodies sponsored by the DCMS (CABE had been co-sponsored by the DETR until the DETR was dissolved). Colloquially, both bodies are often referred to as quangos. They fulfil advisory functions to governmental organisations but their members are not publicly elected.

Tall buildings are considered to have significant impacts, in particular due to their height and the resulting visual impact on heritage assets (Tavernor 2004a; Markham 2008; Kufner 2009). Furthermore, due to their visibility from a wide range of locations across London, the architectural quality of these projects is of paramount importance. For this reason, the assessments made by CABE in its Design Review Panel (DRP) and English Heritage in its London Advisory Committee (LAC) are highly important forms of advice for LPAs, the GLA and the Secretary of State in decision making on the granting of planning permission for tall building projects. These assessment processes in the expert panels of CABE DRP and English Heritage's LAC are examined in detail in this chapter. Furthermore, prior to these assessments, private design teams engage in pre-application discussions with both quangos. Because tall buildings are usually considered to have a significant impact on the wider city environment and as they are often of a very controversial nature, the Guidance on Tall Buildings (GOTB), published jointly by English Heritage and CABE, demands that pre-application discussions are initiated as early as possible (English Heritage and CABE 2007b). Pre-application discussions with both CABE and English Heritage are examined in separate sections in this chapter.

Of particular importance with regard to tall building projects are the call-in powers of CABE and English Heritage. After the design team has submitted a planning application for a tall building to the local planning authority (LPA), both English Heritage and CABE submit their consultation responses to the LPA and advise on whether they support the granting of planning permission for the project, whether they object, or whether they request the project to be called in by the Secretary of State. Due to this right to request a call-in, English Heritage and CABE hold significant powers, since a public inquiry following a call-in extends the planning process for a tall building project by up to two years and may even lead to the refusal of planning permission by the Secretary of State (see appendix 6). Because of these important roles, both English Heritage and CABE have repeatedly been criticised by interest groups that were aggrieved by the advice and decisions made in assessment processes (McNeill 2002b; Polina 2007; Charney 2007; Markham 2008). The first section of this chapter examines these critiques, as well as resulting scrutiny by the House of Commons and the role of the GOTB in resolving the divergent assessment outcomes of CABE and English Heritage.

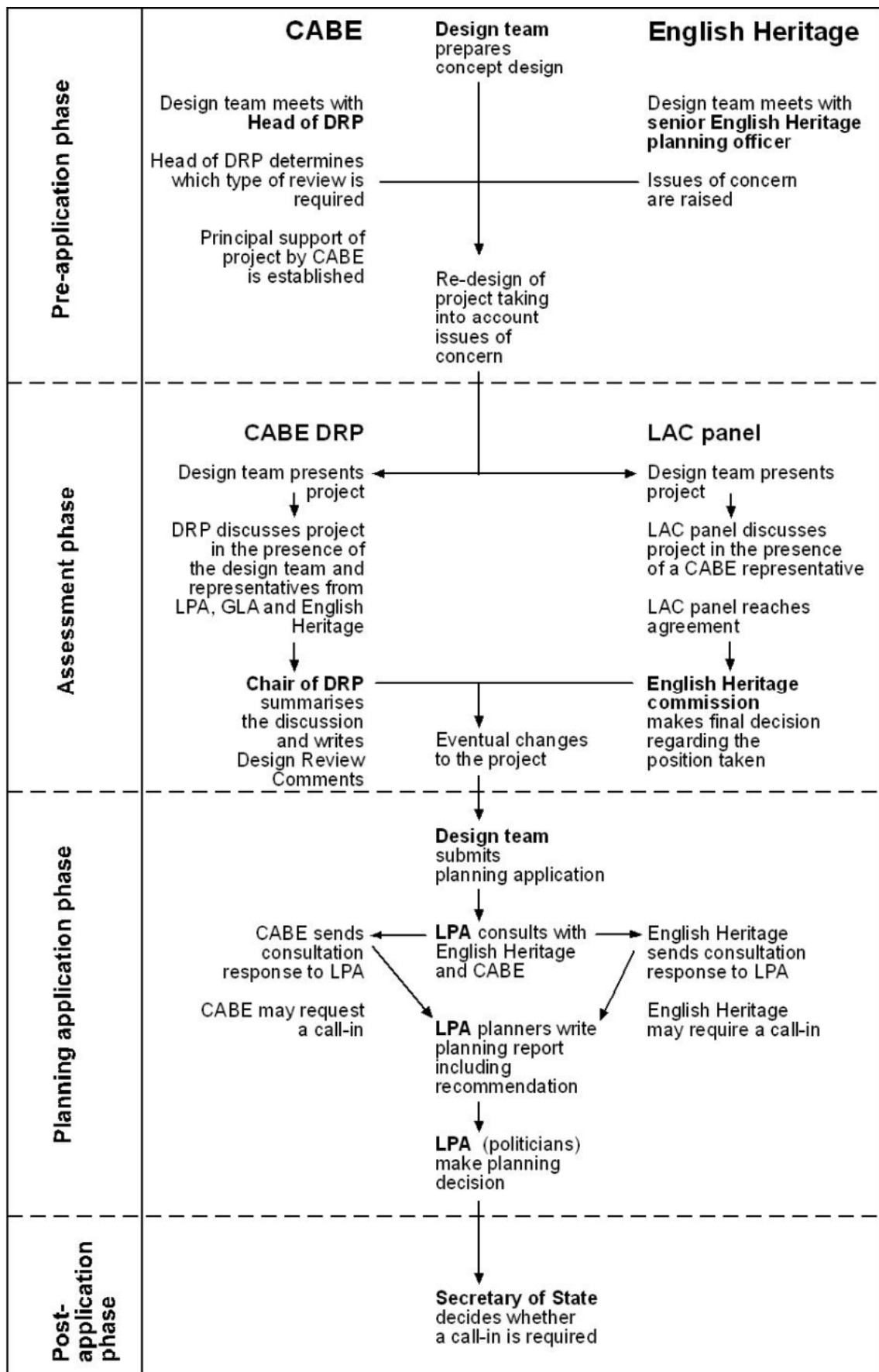


Figure 3: English Heritage and CABE processes of assessment and advice. The diagram also shows the relationship of these processes to the planning application and the potential public inquiry phases.
Source: Author

4.1 Interest group pressures on CABE and English Heritage

This section examines how the national government has sought to streamline the assessment outcomes of English Heritage and CABE following criticism by interest groups. In the years from 1999 to 2008, English Heritage and CABE were criticised repeatedly and fiercely by groups with vested interests in tall building development. In particular, the accountability and objectivity of these quangos was the subject of inquiries by the House of Commons (2002; 2005; 2006) and AHL Ltd (2004). The first part of this section focuses on presenting data regarding the assessments by CABE and English Heritage on significant precedent tall building cases and the criticism by interest groups that resulted.

The second part of this section considers regularities identified in the positions of CABE and English Heritage towards precedent tall building cases and the criticism made. In interviews which I conducted with experts who wrote the GOTB and with private sector experts who have used it in the planning process, two prevailing perceptions regarding the meaning of the GOTB emerged. On the one hand, it was argued by Peter Stewart, who had co-written the 2001 draft GOTB for CABE, and Paddy Pugh from English Heritage that the GOTB was meant to achieve a common position for the assessment of tall buildings. Thus, the purpose of the GOTB was to reduce the conflicts between English Heritage and CABE. The GOTB was co-written and published in a draft form in June 2001, finalised in March 2003, in an updated draft form in January 2007 and finalised again in July 2007 (English Heritage and CABE 2001; 2003; 2007a; 2007b). The GOTB defines how English Heritage and CABE assess tall building proposals through a set of criteria. These criteria are meant to explain to applicants which qualities the expert panels of the CABE DRP and the English Heritage LAC focus on in assessments (English Heritage and CABE 2001). On the other hand, it is argued by Ian Lindsley from Jefferson Communications, a public relations consultant on a number of tall building projects, that the GOTB is a failed attempt to streamline the assessment process of the two quangos which has not resulted in agreement on the assessments of tall buildings and has thus failed to remove the need for public inquiries.

Precedent cases, criticism by interest groups and the Guidance on Tall Buildings

Between 2000 and 2002 while the first draft version of the GOTB was emerging, English Heritage and CABE assessed significant tall building projects deemed to set

precedents for further cases. Conflicts between English Heritage and supporters of tall buildings first arose in 1996. The development company, Trafalgar House, submitted plans to propose what would have been the tallest building in London, the 386 metre high Millennium Tower. Due to strong objections from English Heritage and SAVE Britain's Heritage, the building was redesigned and reduced in height to 179.80 metres (SAVE Britain's Heritage 2008). This project is now known under the name, 30 St Mary Axe (popularly called the Gherkin) and was intended to replace the damaged Baltic Exchange in the City of London (Short 2004).⁴⁵ In February 1999, English Heritage's London Advisory Committee (LAC) ceased objecting now describing it as a building of 'such exceptional architectural interest that it would be a justifiable replacement for the Baltic Exchange' (LAC 1999: 7). Listed historic buildings like the Baltic Exchange were protected by the PPG15 and would have warranted a call-in by the Secretary of State if English Heritage had upheld their objection. In reaction, the influential charity SAVE Britain's Heritage insinuated that English Heritage had been persuaded to stop objecting by a ten million pound donation from Deputy Prime Minister John Prescott's ODPM, as Prescott did not follow a request by SAVE to call in the project (SAVE Britain's Heritage 2008). Later in 2006, the influential London Evening Standard journalist, Mira Bar-Hillel, stated in a House of Commons inquiry that it was the English Heritage chairman, Sir Jocelyn Stevens, who decided to support 30 St Mary Axe (House of Commons 2006). The turnaround by English Heritage regarding its position resulted in fierce criticism and accusations by, SAVE Britain's Heritage.

30 St Mary Axe set a precedent for a new generation of high quality tall buildings in central London, and enjoyed support at national, regional and local levels. The Heron Tower project, also located in the City of London and proposed around the time of 30 St Mary Axe, had been presented to both English Heritage's London Advisory Committee (LAC) and CABE's Design Review Panel (DRP). English Heritage's argument was that any granting of planning permission would be premature, thereby predetermining policy (the emerging City of London UDP) that had yet not yet been finalised (PINS 2002a). English Heritage's LAC had concluded in 2000 that the Heron Tower was a potential precedent case that would permit a flood of tall building applications if granted planning permission (LAC 2000). By contrast, CABE supported the Heron Tower based on its assessment in the DRP, stating that the design had improved since earlier comments and

⁴⁵ See appendix 2 for details of the 30 St Mary Axe project and the preceding Millennium Tower.

that it was happy with the impact of the proposed design on views from Waterloo Bridge on the basis of the photomontages presented by the design team (CABE 2000).

Due to a request by English Heritage, the Heron Tower was called in by the Secretary of State in February 2001 (PINS 2002a). The divergent conclusions reached by English Heritage and CABE resulted in criticism by both supporters and opponents, as is evident from the House of Commons Report from 2002 discussed later in this section (House of Commons 2002). As was confirmed in interviews by Peter Stewart, who co-wrote the 2001 GOTB, and Paddy Pugh from English Heritage, the GOTB was prompted by the controversy surrounding the early precedent cases of 30 St Mary Axe and the Heron Tower, and the expectation of similar controversy regarding the forthcoming London Bridge Tower proposal. In June 2001, English Heritage and CABE co-wrote and published the first draft version of the Guidance on Tall Buildings (Consultation Paper) (GOTB) (English Heritage and CABE 2001). In Section 1.2 of this document, CABE and English Heritage defined their statutory roles, pointing out that, even though they might arrive at different conclusions in their assessments of tall buildings, they are not in conflict (*ibid.*). The GOTB was intended as a means to streamline the assessments by CABE and English Heritage so that both quangos would eventually arrive at similar conclusions within their expert panel assessments.

The ongoing conflicts regarding tall building development in central London prompted the need for an inquiry by a House of Commons Select Committee; the report was published on 17 July 2002, shortly before the Secretary of State made his decision on the Heron Tower public inquiry on 22 July 2002. The report to the House of Commons Urban Affairs Sub-Committee directed criticism towards English Heritage for listing tall buildings which were seen as 'eyesores' by the public (House of Commons 2002: 32). Tony Tugnutt, an officer of the Bloomsbury Conservation Area Advisory Committee, argued that English Heritage's LAC had been 'high-jacked' by people with sympathetic modern architectural interests in their assessments of 30 St Mary Axe (*ibid.*: 32). CABE, on the other hand, was criticised by Tugnutt and the Chelsea Society because of what they considered conflicts of interest by CABE's chairman, Sir Stuart Lipton, who was also chairman of property developer Stanhope Plc, as were members of CABE's Design Review Committee (House of Commons 2002: 32, 33). However, no proof was presented to support this accusation. Furthermore, the Westminster City Council, the Chelsea Society and Tony Tugnutt criticised CABE's support for 'trophy

architecture' that they thought was designed to visually represent influential private companies (ibid.: 33). Professor Tavernor, townscape consultant for the Heron Tower project, argued at the House of Commons inquiry that the public inquiries which resulted from the adversarial relations between English Heritage and CABA were undermining their negotiations regarding future planning applications (ibid.: 32). The committee concluded that CABA needed to be careful not to be seen as a representative of the 'modernist architectural establishment', a position that might lead to the loss of support by amenity groups and the trust of local authorities (ibid.: 5). In March 2003, a few weeks prior to the public inquiry regarding the London Bridge Tower which started in April 2003, the first finalised version of the GOTB was published (English Heritage and CABA 2003). Despite the common position for assessments agreed in the finalised 2003 GOTB, the quangos again reached divergent conclusions and appeared at opposite sides during public inquiries (PINS 2003).

The debate reached another peak in 2004 when the CABA chairman, Sir Stuart Lipton, was accused again of conflicts of interest. The Architects' Journal (AJ) reported in March 2004 that CABA and its chairman Sir Stuart Lipton was employing Ken Shuttleworth of Make, on a project in the London Borough of Croydon (Blackler 2004). In response to these accusations, AHL was employed by the DCMS to investigate conflicts of interest within CABA (AHL Ltd 2004). AHL recommended that the position of chair of CABA should not be held by a person with vested interests in development projects that are being assessed by DRP; CABA commissioners should have to sign a declaration that they would accept the Nolan Principles; and, CABA should monitor and record conflict of interest matters accepting these could not be excluded completely due to the need to involve private sector experts (ibid.). In March 2005, the House of Commons published the report summarising the conclusions of the inquiry into conflict of interest allegations regarding CABA (House of Commons 2005). It was concluded that DCMS and CABA should cooperate to ensure that CABA became more transparent and publicly accountable (ibid.). Furthermore, the number of private sector experts who could potentially have conflicts of interest should be limited, and the number of commissioners increased (ibid.). Experts from other sectors should be employed to ensure that a diversity of apparent interests is represented (ibid.).

The impact of interest groups on English Heritage and CABE

I have argued that both English Heritage and CABE have been subjected to severe criticism by private developers and consultants who represent them, as well as by heritage groups which feel that their interests were not advocated sufficiently (House of Commons 2002; 2005; 2006 and AHL 2004). The accusations ranged from corruption and conflicts of interest, to the one-sided advocacy of the interests of specific groups. As is evident in these reports, the experts giving evidence to the House of Commons inquiries often work for organisations with vested interests in tall building development. Their representations were mostly geared towards influencing the quangos in order to get them to lean more towards their individual positions. Therefore, Rydin's conclusions can be validated with regard to English Heritage and CABE. She reports that quangos have been criticised for exhibiting too much discretion (Rydin 2003). Practitioners are sceptical because those agencies are insulated from public pressure as they are not elected bodies. Rydin states that 'conflicts of interest are not, therefore, mediated by locating the different functions and decision-making modes of the state at different levels of government, but become buried by the mysticism which surrounds the technical expert' (ibid.: 119). Rydin's rationale is that because quangos are isolated from democratic control, they are significantly influenced by interest groups whose very interests they are supposed to regulate (ibid.). Both English Heritage and CABE represent interest groups with particular biases for and against tall buildings.

The transformation of CABE

It does not appear that the GOTB led to the assessments made by CABE and English Heritage being streamlined. As appendix 7 shows, CABE and English Heritage arrived at divergent conclusions regarding precedent tall building cases until 2007 and 2008, in the case of the Doon Street Tower, and later at the Elizabeth House inquiry. CABE's annual reports show that in the years after the former chairman, Stuart Lipton, had been accused of conflict of interest, experts with relations to the heritage lobby were appointed to leading positions at CABE (CABE 2007h). Joyce Bridges became deputy-co-chairman of CABE and a CABE commissioner while she was also an English Heritage commissioner (ibid.). Furthermore, M.J. Long, an architect reputed for her strong conservation skills, and former partner of Sir Colin St. John Wilson (architect of the British Library) became a commissioner (ibid.). Diane Haigh, a former associate of architects Allies and Morrison, concerned with restoration projects, became the new head of CABE's DRP (CABE 2008a). Allies and Morrison were working on the

controversial Elizabeth House project at the time. It appears most plausible that changes in the assessments made by CABE have been a result of these key staff changes, combined with concerns about the visual impacts of the Doon Street Tower project on Somerset House and, in the case of Elizabeth House, with a lack of urban design quality. Neither appears to have resulted from changes to the GOTB.

The problem of perceived one-sidedness and conflicts of interest

Later sections of this chapter show that there is a very high level of scrutiny within both the CABE and LAC assessment processes. However, as is evident in the House of Commons reports, the public accountability of both CABE and English Heritage has been seriously challenged if not damaged by repeated accusations made by interest groups regarding potential conflicts of interest and a lack of objectivity (House of Commons 2002; 2005; 2006). Yet no evidence was presented to the House of Commons inquiries of partiality towards projects by experts who were part of CABE and English Heritage (*ibid.*). Therefore, it must be concluded that the problem with the public accountability of CABE and English Heritage is a matter of perceptions of conflicts of interest and of a lack of objectivity.

It is also evident in the House of Commons reports that expert witnesses were aggrieved by the decisions taken by English Heritage and CABE regarding tall building precedent cases (*ibid.*). I conducted an analysis of sixty-three articles published by the London Evening Standard and the Architects' Journal which are summarised in appendix 5. The reason for conducting this analysis was that three journalists appeared to have strong ties with organisations interested in promoting or preventing tall building development. Sir Simon Jenkins, who was a main witness in the 2002 House of Commons inquiry, has written several polemical articles against tall building development while associated with SAVE Britain's Heritage (SAVE Britain's Heritage 2011b). Paul Finch, while occupying leading positions at CABE, was also the editor of the Architects' Journal and subsequently the Architectural Review, promoters of modern architecture (DCMS 2009). Mira Bar-Hillel, the planning correspondent for the Evening Standard, wrote a large number of articles on tall building projects between 2000 and 2008. Bar-Hillel's articles were frequently written in a one-sided manner aimed at persuading the reader to take her position against tall buildings, instead of informing the reader in a balanced way.

In addition, Professor Tavernor had acted as a townscape witness in relation to the Heron Tower proposal, which was challenged by English Heritage at public inquiry (PINS 2002a). The Croydon councillor who accused Stuart Lipton of conflicts of interests was aggrieved that CABE DRP had not supported a major development in Croydon by the developer, Arrowcroft, while Lipton's company Stanhope was supported by CABE while he was also chairman of CABE (House of Commons 2005). However, the AHL report (2004) found that CABE was using a code of conduct suitable for managing the potential conflicts of interest arising from the involvement of private sector experts, as demanded by the Nolan Report. The Stanhope scheme was simply a better project than Arrowcroft's as the inspector ruled at the Croydon Gateway inquiry (PINS 2006).

The Nolan Commission concluded in 1997 that the most problematic aspect of public accountability is the 'public perception of impropriety', rather than cases of actual misconduct or even corruption (Nolan 1997a: 70). This finding of the Nolan Report corresponds with my own regarding potential conflicts of interest at CABE and English Heritage which are not proven.

4.2 Pre-application discussion with CABE

This section examines the effectiveness of pre-application discussions between the design team of No.1 Blackfriars Road and CABE. Consideration of this process relies mainly on interviews with design team members, and in particular Roger, the planning consultant for No.1 Blackfriars Road, but also Peter Stewart, who was head of design review at CABE in 2005 when the initial pre-application discussions took place. CABE supported No.1 Blackfriars Road as a project of the highest quality design in 2005 and 2007 (CABE 2005b; 2007a; b). The following discussion sheds light on those aspects of the pre-application discussions that were most important for achieving CABE's support.

The significance of early agreements within CABE's pre-application discussions

CABE's role as a non-statutory consultee is set out in the 2001 Statutory and Non-Statutory Consultation Report (DETR 2001a). Local planning authorities have to consult CABE if a development meets 'one or more of the following criteria, (i) proposals which are important in themselves; (ii) development on prominent sites; (iii) schemes with a significant impact; and, (iv) proposals which initiate regeneration or set a standard for further development.' (DETR 2001b: 3). Furthermore, CABE encourages informal pre-application discussions before a planning application is submitted (CABE 2006a). Making use of this potential for discussions, the design team interacts with CABE during the design phase of a project. After the planning application is submitted to the local borough, the proposed tall building design is discussed and assessed within the CABE design review. The CABE Design Review Panel (DRP) consists of leading experts from different design fields related to the built environment, such as architecture, landscape design and heritage conservation (ibid.). Roger, the planning consultant working on behalf of DP9 Planning Consultants as a member of the core design team of No.1 Blackfriars Road, describes the meaning of pre-application discussions with CABE as follows:

[Y]ou would first inform the officers, talk them through the scheme, see what they think is the best way of taking it through. Do they think it is a full Design Review Panel? Do they think it's just a pin up? And then, just basically work with them; work with the contacts that we have built up with those various bodies throughout the years. This helps you to kind of know the best way to approach these processes.

Roger acted as the main contact regarding the planning process and provided advice on the meaning of policy as part of the core design team. Roger frames the pre-application discussion as an informative process, discussing which type of review is applied by CABE. Principally, the design team throughout the complete pre-application phase is geared towards maximising consensus. Informal discussions allow the design team to gather information about the type of review that will be applied by CABE, as well as about issues of concern. Peter Stewart, who was head of design review at CABE from August 1999 until June 2005, confirmed that, based on a thorough understanding of the policy context applicable, he would concentrate on drawing attention to those aspects that should be improved prior to the actual design review. The design team is therefore in a position whereby they can tackle concerns during the design process. Roger also points out that the contacts established with CABE officers are an important factor. DP9 Planning Consultants worked on a large number of tall building projects from 2000 until November 2007 when the interview was held (see appendices 2 and 3).⁴⁶ There was general consensus in the framing by all relevant interviewees from private design teams concerning the cooperative nature of informal pre-application discussions with CABE. With CABE, a good pre-application discussion is a prerequisite for the design team's preparation for the design review process. Therefore, it can be concluded that the pre-application process with CABE DRP members is effective in reducing conflicts at an early stage.

CABE design review comments, which are official publications that summarise the assessments of the Design Review Panel experts, allowed for a discussion on the impact of CABE's support of No.1 Blackfriars Road. Since the first assessment within CABE's design review process in March 2005, CABE had supported the tall building element of No.1 Blackfriars Road (CABE 2005a). This was an important point of support for the design team because in 2005 there was no tall building policy for the site and locality, neither regionally through the London Plan nor locally through the Southwark UDP, that provided the policy basis for granting permission for a tall building at Blackfriars Bridge within a plan-led approach. In 2007, English Heritage and CABE rewrote the GOTB and included the statement that a plan-led approach was a mandatory requirement to be considered in the assessment of tall building proposals (English

⁴⁶ DP9 Planning Consultants grew out of Montagu Evans when some of the partners in the latter firm decided they wanted to go independent and found their own company (DP9 Planning Consultants 2009). Therefore, the principal partners and senior consultants at DP9 had already established relationships with planning officers of the various governmental organisations before DP9 was founded.

Heritage and CABE 2007b). However, in January 2007, CABE wrote a letter regarding the assessment of No.1 Blackfriars Road within the CABE Design Review Panel. These design review comments stated that:

It would be helpful to consider a scheme such as this in the context of an approved tall buildings policy for Southwark. However, it seems clear that this proposal is coming forward in an area which is potentially set for significant change; we note that a number of tall buildings are proposed or consented both for adjacent sites and within the wider neighbourhood (CABE 2007a).

English Heritage and CABE updated the GOTB in 2007 and included in it the requirement that 'local authorities should now identify appropriate locations for tall buildings in their development plan documents' (English Heritage and CABE 2007b: 3). Following this requirement, decision makers such as the LB Southwark, as well as the GLA, could only justify the granting of planning permission for a tall building project located in an area identified as appropriate within the local development plan. In 2007, a local tall building policy that would have defined the southern end of Blackfriars Bridge as a tall building area was not available since the emerging policy did not receive the consent of Southwark's politicians (Strategic Director of Regeneration 2007). CABE had made a reference to consented and proposed schemes adjacent to the No.1 Blackfriars Road site and in the wider neighbourhood which was provided as supportive reasoning for determining that location as appropriate for a tall building (CABE 2007a).⁴⁷ This assessment signifies that CABE's conclusion was based on tall building development pressure in the surrounding areas and that ongoing implementation processes were given significant weight. CABE's support for tall buildings here was crucial for the developer's ultimate planning success.

The CABE pre-application process appears to be effective. The design team of No.1 Blackfriars Road was confronted early on with concerns by CABE. Furthermore, the design team was able to achieve a general consensus that a tall building would be supported in the location in which it was proposed. The GOTB appears less effective in this respect. The statement that LPAs need to identify areas suitable for tall buildings does not include the possibility that tall building locations are emergent. In 2006 and 2007, English Heritage maintained strong objections to No.1 Blackfriars Road based on its assessment that, in the absence of a tall building policy, central requirements of the

⁴⁷ Appendix 18 contains an image that shows developments that took place in the surrounding area of the No.1 Blackfriars Road site.

GOTB had not been fulfilled (LB Southwark 2006a; 2007a; b). Therefore, the GOTB was not sufficient in streamlining the assessments and recommendations of English Heritage and CABE.

I have not been able to identify drawbacks regarding the CABE pre-application process as such. The pre-application discussion tends to take place early in the planning process. The design team members appear to be fully informed about: i) the DRP through which the project has to pass; and, ii) the principal areas that the design team needs to resolve so that all the major design issues have been addressed before the DRP takes place. In this sense, it is again less due to the GOTB that the design team members know how to prepare for the DRP. The more important issue is the informative and cooperative pre-application discussion with the leading personnel of the CABE DRP which allows issues regarding tall building applications to be resolved early on.

4.3 The CABE design review process

This section considers the process within which the CABE DRP assesses the quality of architectural and urban design of a proposed tall building. The 2003 GOTB (English Heritage and CABE 2003) was used for assessment purposes when No.1 Blackfriars Road was assessed by the DRP in 2005 and January 2007, before the second finalised version of the GOTB was published in July 2007 (English Heritage and CABE 2007b). The aspects of subjectivity versus objectivity within DRP are discussed hereunder. Interviewee accounts by architects and planning consultants who participated in design reviews are triangulated with interviewee accounts by CABE officers responsible for the DRP. The significance of experts' involvement as DRP members and the experience of consultants with the review process are examined with respect to the design team's preparation for the DRP and with regard to the presentation during the design review process. Presentation materials used by the design team to argue in favour of the design in the review process are analysed in terms of how these are shaped so that they best serve to convince panel members of the quality of the design and win CABE's support in the implementation process. The relevance of the high level experience of private sector DRP members is considered with regard to assessing these presentation materials.

Using the GOTB within the CABE DRP

The 2003 GOTB defines how CABE and English Heritage assess tall building proposals. The GOTB is applied in assessments when a proposal for a development is substantially taller than its surrounding context or when it significantly changes the skyline (English Heritage and CABE 2003). The definition of a tall building used within the GOTB is therefore relative to its context and is not based on measurable height. Section 4.5 sets out the central requirement that tall buildings must be considered in the round at both the CABE and LAC assessment processes (ibid.). In order to allow for such a detailed assessment, the design team must prepare presentation materials that accurately represent the building in its physical city context.

The GOTB lists a set of criteria for an assessment. These include that tall buildings should have such an effect on the wider environment that conserves or does not damage or detract from heritage assets, including WHSs, conservation areas and views (ibid.). Furthermore, the relationship between the top of a building and the skyline, as well as

the design of public spaces and the permeability of the proposal site are central requirements (ibid.). Based on the governmental agenda advocated through the 2000 White Paper, the GOTB concludes that proposals for tall buildings should not be supported unless the design team can demonstrate that these are of the highest architectural quality (ibid.). Because of these requirements, two aspects are of paramount importance for the behaviour of the design team within assessment processes. First, the design team must prepare presentation materials that meet the requirements for accuracy and present the design in the best light possible. Second, the presenters of the design must be able to convince the expert panels of the quality of the design by using these presentation materials and their verbal skills as presenters.

The roles of private sector experts in the CABE DRP

CABE advocates the selection of members of the DRP based on their experience and track record in one or more professions related to the built environment (CABE 2006b). Furthermore, CABE employees have to register any potential conflicts of interest in relation to development projects (CABE 2006a). Because CABE (as well as the English Heritage's LAC) selects qualified leaders as panel members from the professions related to the built environment, it is often the case that assessment panel members are involved in tall building projects at the same time. Figure 4 shows the positions of leading partners of private firms in the DRP who are also involved at tall building projects in northern Lambeth and northern Southwark. Ken Shuttleworth, Bob Allies, Graham Morrison, Chris Wilkinson, Jim Eyre and Ian Simpson are principals at leading English architecture firms. Chris Miele is a partner in the planning section of Montagu Evans. Tim Stonor is the principal of Space Syntax Ltd, a firm that specialises in the analysis of relationships between built form and pedestrian movement. In the cases of Allies, Morrison, Wilkinson and Eyre, these partners also hold positions at either CABE or English Heritage. With principals occupying positions at CABE and English Heritage, the firms raise their profile in the architecture and planning market. In particular when it comes to a public inquiry, the experts presenting evidence always start by setting out their credentials. Therefore, the proof presented gains credibility since, due to their positions at CABE and English Heritage, the experts are evidentially regarded as part of the best in England.

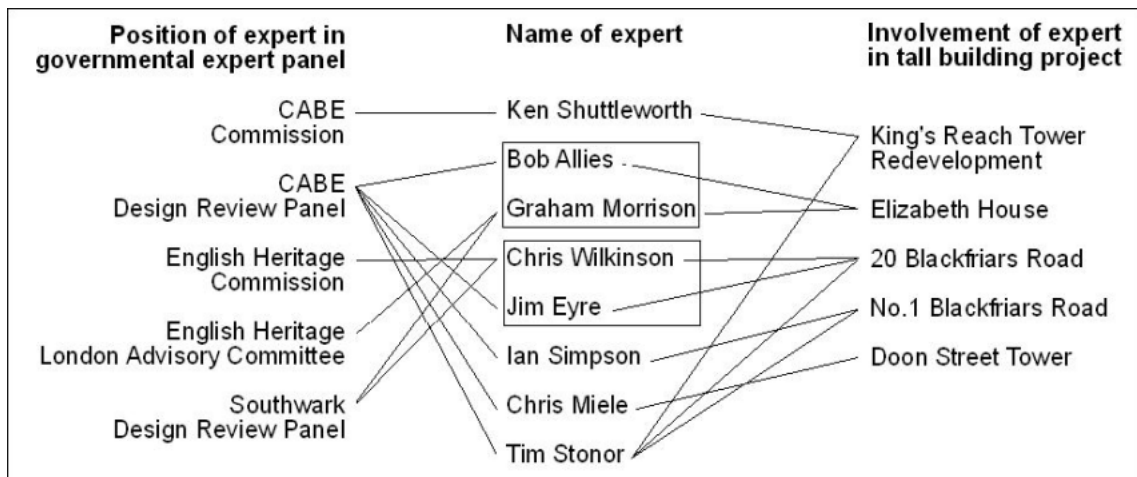


Figure 4: Diagram showing experts and their involvement in governmental expert assessment panels and tall building projects relevant to the case study of No.1 Blackfriars Road. Boxes signify that two experts are part of the same firm. Bob Allies and Graham Morrison are the principals of Allies and Morrison Architects. Chris Wilkinson and Jim Eyre are the principals of Wilkinson Eyre Architects. Source: Author

Due to the roles of private sector experts in CABE, there arises the natural suspicion that projects in which these experts are involved could be treated favourably within the DRP, as is evident in House of Commons Reports (2002; 2005). Indeed as has been discussed in the previous section, based on the criticism of interest groups, the House of Commons (2002) recommended that CABE must be careful not to be seen as a representative of the so-called modernist architectural establishment. The involvement in CABE, however, does not mean that experts receive favourable treatment. According to CABE's codes of practice, panel members have to announce conflicts of interest when a project is assessed in which they are professionally involved (CABE 2007i). The CABE DRP reacts to this flexibly, choosing panel members for the respective DRP who are not involved in the projects discussed (CABE 2006a). In the cases of the Doon Street Tower, Elizabeth House, 20 Blackfriars Road and to a degree also with No.1 Blackfriars Road, the CABE DRP critically assessed design aspects quite severely, as is evident in the DRP reports (CABE 2005a; 2005c; 2007e; 2007k). CABE even recommended refusal of planning permission for Doon Street due to the visual impact of the project on the courtyard of Somerset House and for Elizabeth House due to the massing and design of the project (CABE 2007g; 2007k). This evidence shows that the tall building projects, including No.1 Blackfriars Road, were scrutinised in detail within the CABE DRP.

In summary, from the perspective of private sector experts, the involvement of private sector parties within the CABE DRP fulfils two functions. First, it establishes the reputation of the expert involved. Second, the expert is able to use knowledge about the

assessment process and the decision making structures within CABA in order to enhance their preparation for the assessment of their own projects within the CABA DRP.

Objectivity versus subjectivity in the CABA DRP

According to the Nolan Report, a central guiding principle for public bodies is that decisions made need to be objective and choices need to be made based on merit (Nolan 1997a). Thus, it is worthwhile examining how objectivity is established within the CABA DRP. In an interview, Nick, head of design review in 2007, and William, also a member of the DRP and co-author of the 2007 GOTB, argued that architects tend to perceive the DRP as subjective if the assessment outcome is negative. They describe the balance between objectivity and subjectivity that CABA aspires to in the design review process.

Nick:

The [...] slight difference between a crit at college and here [DRP] is the professional background. Whilst clearly there are egos within that panel, some of the greatest architects in the world, the process is depersonalised in that respect. When we write up those views of the panel, we make sense of the different views that have been put forward. Or, we tie them together in a way that is easy to understand. That takes out that ego perspective.

William:

Ultimately it's CABA's view, not the panel's view. The panel informs our advice. Ultimately we have control and ownership of the advice that we give. Part of the reason for that is to do with consistencies. That has to do with the kind of repeating schemes. [...] It's very important that it is a corporate view not the view of a number of individuals, even though the individuals contribute to the corporate view.

Nick and William distinguish between the actual panel discussion and the writing up of the design review comments, the documents in which CABA publishes the outcomes of DRP assessments. Both Nick's and William's role at CABA includes participating in the DRP and writing the design review letter that summarises the assessment. In interviews, architects who have presented tall building projects within the DRP have argued that the assessment process is similar to a crit at architecture school. These architects have claimed that the panel members do not seem to remember the criteria of the GOTB in the assessments. The architect, Ian Simpson, expressed his disappointment with CABA

and its assessment of No.1 Blackfriars Road at a lecture at the LSE in March 2006.⁴⁸ The CUBE design review letter of March 2005 had concluded that the low rise buildings were not well designed and the plaza was unresolved because too much of the site was used for pedestrian movement (CUBE 2005a). In July 2005 after a revision to the design, a CUBE commissioner and design review staff concluded that the routes were still too narrow now and, in addition, a large overhang above a street junction was perceived to be unsuccessful (CUBE 2005b). The perceptions of these architects could suggest that the GOTB is not applied rigorously within the DRP process.

The design review function of CUBE is constrained by planning law. With the 2005 Clean Neighbourhoods and Environment Act, CUBE was granted statutory status which required CUBE to answer freedom of information requests (OPSI 2005a). This act also granted CUBE the right to request a call-in by the Secretary of State (ibid.). Thereby, CUBE is required to make its assessment responses publicly available. As a result, CUBE has to stick closely to its statutory remit in the writing of design review letters since these could be used to criticise it if assessments depart from the GOTB. It is in the light of these legal considerations that Nick and William point out how important it is for CUBE to make sure that the final design review comments do not contain the subjective positions of individual panel members. Therefore, it is the perception of architects criticised within the CUBE DRP that the comments raised are often based on subjective perceptions of panel members. However, the final assessment of CUBE is made after objectivity is ensured by weighing up the comments and criticism of the DRP panel members, and the finalised published comments therefore reflect CUBE's official position.

Presentation materials and presentation skills

Regarding the purpose of presentation materials used by design teams within the DRP, it is useful to examine the potential that these materials have in terms of persuading assessors. As the 2003 GOTB sets out, a proposal for a tall building has to be assessed in the round (English Heritage and CUBE 2003). Therefore, design teams have to produce presentation materials that allow for such in depth assessments. Nick, the head of design review at CUBE in 2007, defines the role of the use of physical models in the DRP.

⁴⁸ I attended this LSE lecture prior to commencing my PhD studies. A record of the LSE Cities Programme public lectures is available online (LSE 2009b).

Physical models always help. First, you immediately get a sense for a scheme's massing in its context. [...] Also, particularly with working models, you can begin to see how the architects are thinking about the design process. [...] Fortunately, all our panel members can read drawings perfectly well. We don't need models because we would also understand it otherwise. But clearly models are useful. It is very obvious that if a design team has not prepared a model, they are not thinking about three dimensions and architecture.⁴⁹

The panel members of the DRP produce and use the presentation materials in their daily practice because they are themselves involved in tall building design. Therefore, they are fully able to understand the drawings, models and visualisations. This means that they also know how persuasive these presentation materials can be and that the architect will do his or her best to present the project in the best light possible. Image 6 shows photographs of context models of No.1 Blackfriars Road. This type of model allows the panel members to investigate the proposed project from various positions. It can be seen that the tall building is slightly rotated against the axis of Blackfriars Road. This aspect of the design, was suggested by the townscape consultant, Professor Tavernor, in order to distinguish the sculptural form of the tall building from the lower buildings and to refer to the wider context, orienting the axis of the tall building towards the City of London, as was argued by the project architect Christian Male in an interview and by Ian Simpson at a public inquiry in October 2008. This adds credibility to the finalised design because it shows that the design team has analysed the physical city context and they have reacted to this context by transforming the design.

Presentation materials are also used by the design team to show how the team has reacted to a previous critique from the DRP. Figures 2 and 3 of image 6 show two models of the lower buildings of No.1 Blackfriars Road. Figure 2 shows the design of the lower buildings in 2005 at the stage of the first planning application. CABE had criticised the project for the large overhang constituted by the housing block over the street and the narrow throughways (CABE 2005a). Figure 3 shows the refined design submitted for planning application in 2006 which was subsequently accepted by the DRP as a successful solution (CABE 2007a). Using these models, the design team can show that they are willing and able to resolve the problems perceived by the assessment panel. As a result, the design team establishes credibility with the DRP

⁴⁹ Appendix 22 shows larger context models of the No.1 and 20 Blackfriars Road projects which were used during the public inquiry.

members by taking into account and reacting to previous criticism in a constructive manner, by resolving problematic aspects and by improving the design quality.

Even though CABE panel members are aware of the persuasive effects that presentation materials can have, presentation materials that are well worked out so as to highlight positive aspects are still likely to have persuasive impacts on the assessment panel on a subconscious level. Academics have pointed out the limitations of the effectiveness of assessing design quality. Persuasive effects of presentation materials as identified by academics (Carmona 1998a; Carmona et al 2010) are minimised through the expertise of the DRP members. Although design quality can not be evaluated without the involvement of subjective bias (Parnaby and Short 2008), the fact that the finalised comments coming from the DRP are scrutinised again by CABE members minimises the impact of those subjective positions. The CABE DRP appears to include a very high degree of objectivity in its assessments and must thus be described as an effective planning tool with regard to tall buildings in central London.

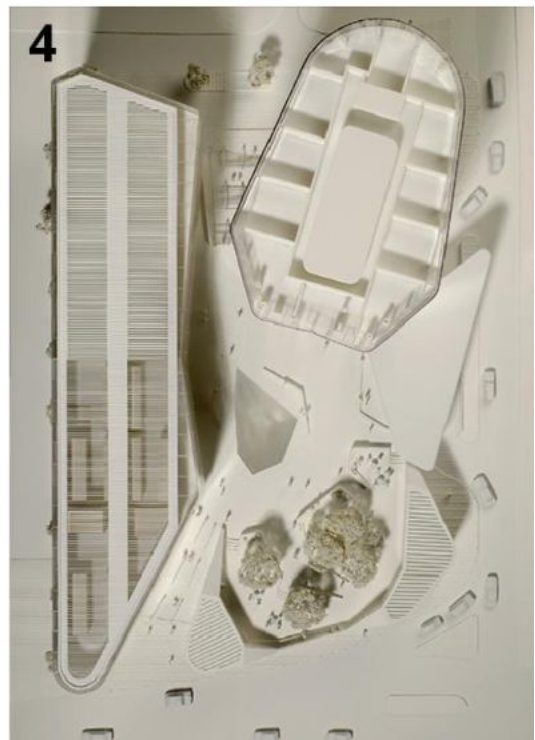


Image 6: Presentation materials contained in the planning application for No.1 Blackfriars Road.

Source: Ian Simpson Architects 2006: 48, 64

1 © Ian Simpson Architects

2, 3, 4 © Andrew Putler

4.4 Pre-application discussions with English Heritage

This section examines pre-application processes between the design team and English Heritage. The perception by design team members of the interaction with English Heritage is assessed against the perception of the same processes by English Heritage planning officers. Furthermore, it is considered how English Heritage perceived the arguments and presentation materials used by design teams to advocate the No.1 Blackfriars Road project. It is argued that the design team perceives that English Heritage intentionally withholds information and refuses to commit itself to unambiguous statements. Thereby, the design team feel they have been placed into a state of severe uncertainty due to the potential threat of a call-in. English Heritage and LAC members perceive the reasoning put forward by townscape consultants in their assessments as an attempt to downplay visual impacts in order to persuade English Heritage to withdraw the threat of call-in.

The design team perspective of pre-application discussions with English Heritage

Roger, the planning consultant for No.1 Blackfriars Road, characterised the interaction between the design team and English Heritage prior to the planning application submission around 2005 to 2006 and then at the time the interview took place in October 2007 as follows.

I think when we submitted the first application pack in 2005, at that stage English Heritage were kind of very hands-off. There was a very formal procedure for doing that [interact with EH], which was [the] LAC; full commission [...] There wasn't really much informal discussion in terms of pre-application discussion. [...] Because of the number of tall buildings coming forward and because of the public inquiries that have been, because of the whole raft of issues, they were much more proactive, much more willing to actually discuss things outside of the formal procedure. So we got to the stage on the last application where we were able to reach quite a level of agreement and certainty before we actually submitted the planning application. I guess that is what has changed throughout the process.

Comparisons of interviews with the architect, Christian Male, the planning consultant, Roger, and the developer, Justin, show that there was the consistent perception that resolving the apparent conflict with English Heritage was unlikely to take place in pre-application discussions in 2005. The typical mode of interaction with English Heritage was that the design team would have to submit their planning application documents to the LAC, accompanied by a presentation by core design team members. The LAC

would then discuss the project's impact on heritage and the project's merits amongst panel members without the design team being present. After the discussion, the LAC would draw conclusions and put forward their recommendations to the English Heritage Commission. Design team members are not present during the LAC panel discussions and the minutes of LAC meetings are often withheld from public knowledge when tall building projects are discussed.

Withholding LAC minutes from public access was a major issue for the design team of No.1 Blackfriars Road. In the LAC minutes from November 2005, it is stated that English Heritage was concerned about the unprecedented height proposed at No.1 Blackfriars Road (LAC 2005a). The LAC minutes regarding No.1 Blackfriars Road were exempt from public access in June and September 2006 (LAC 2006b; c). Reference is made to the issue of commercial interest described in the 2000 Freedom of Information Act. The act states that: 'Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it)' (The National Archives 2000: Paragraph 43). In November 2006, the LAC minutes stated that English Heritage would seek a call-in if the LB Southwark was minded to grant planning permission (LAC 2006a). Therefore, there was one year from November 2005 to 2006 in which the design team did not know what English Heritage's official position was, and in particular whether or not it would seek a call-in.

As has been discussed above, the design team's goals in the pre-application submission phase are to maximise consensus and agreement. The agreement that is most important for the design team is to get English Heritage's consent not to require a call-in despite its objections to potential visual impacts on heritage assets. An agreement not to object at all in the event that a tall building is visible in a protected view or from within a conservation area is highly unlikely given the statutory remit of English Heritage: to protect heritage assets from harm (Her Majesty's Stationary Office 1993). From the point of view of the design team, the consultation process with English Heritage is characterised by uncertainty that mainly results from the possibility of a call-in which would prolong the process of obtaining planning permission by one to two years (as is shown in appendix 6) or which might even lead to a negative conclusion by the Secretary of State. Since the LAC minutes are not publicly accessible, there are no official statements available that show whether English Heritage will require a call-in or

not. The design team gets information about English Heritage's position at the earliest at the formal consultation stage when the local planning authority, the LB Southwark in this case, receives English Heritage's consultation reply. This letter states whether English Heritage requires a call-in in the event that the local planning authority grants planning permission. As is evident in the LB Southwark's planning reports, English Heritage requested a call-in for both of the planning applications from 2005 and 2007 (LB Southwark 2006a; 2007a).

Both the townscape consultant, Peter Stewart, and the architect, Graham Morrison, who were on the LAC panel in 2007 have argued that within the LAC panel there are some people who argue very strongly against any visibility of tall buildings. However, both of them have also argued that there are experts who are willing to arrive at compromise solutions in which tall buildings might be acceptable if design amendments are made. In this sense, it can be argued that the assessment made by the LAC panel is also effective in increasing its objectivity, while potential subjectivity and bias are limited through discussion. However, the fact that decisions on the assessment are made by the English Heritage commission limits the effectiveness of the LAC assessment. Even if there is an outcome within the LAC that allows the reaching of a compromise solution, it is still uncertain whether the commission would take the same view. In contrast to the CABE DRP where the assessment results are normally reached by the DRP and the head of the design review, the decision making hierarchy within English Heritage presents a source of severe uncertainty for designers of tall buildings.⁵⁰

An LAC assessment created a problem in the Heron Tower inquiry, as supporters of the project argued that the LAC assessment contradicted English Heritage's decision to recommend a call-in (PINS 2002a). As a consequence of the Heron incident, LAC minutes were often withheld from public access. English Heritage argued that the reason for withholding LAC minutes was that, in 2002, an architect on the panel feared that statements he made there could be taken negatively by his fellow architects (House of Commons 2006). Due to the resulting lack of information regarding English Heritage's position, the design team is not able to achieve certainty regarding whether

⁵⁰ CABE, however, diverted from this mode of decision making in the case of the Doon Street Tower, the decision on which was referred to the CABE commission (CABE 2007e). The commission reached the position of recommending refusal of planning permission due to visual impacts of the project on the courtyard of Somerset House (CABE 2007g).

English Heritage may request a call-in or not. The pre-application discussion with English Heritage therefore has been ineffective in reducing conflict and uncertainty.

The English Heritage assessment of the visual impact of No.1 Blackfriars Road

Up to now this section has considered the perception of the pre-application discussions with English Heritage from the design team's point of view. Paddy Pugh, the senior officer and coordinator of the LAC at English Heritage, has characterised the visual representation and the arguments put forward by the design team in support of No.1 Blackfriars Road, and particularly those of the townscape consultant. Townscape assessments are the most important presentation materials considered by English Heritage as these represent the visual impact of tall buildings on heritage assets. In the following quote, Pugh refers to the Accurate Visual Representation (AVR) of the view from St James's Park contained in the townscape assessment of the consultant, Professor Tavernor, submitted with the 2006 planning application for No.1 Blackfriars Road (see image 7).

Their strategy is to produce drawings like this and to say to you: Well this does not really harm this view. The building would be a long way back. The centre of the view is trees. You are not impacting on the domes and spirals of Whitehall Court. Neither is it impacting on the formal composition of the Foreign and Commonwealth Office. What you are doing is just being visible in a very modest way on part of the view. And it's in a sense [...] it's just a discussion to try and persuade you that either that does not matter, or that it will actually add to the richness and the variety of the view.

Our response is to question all of that. There is a real issue about how far something like this [the AVR shown in image 7] accurately portrays what a building will look like. You take a building like this [Horse Guards] and you actually go and stand on the bridge in St James's Park. That group of buildings is much more immediate, is much more prominent than it is shown in that photograph.

Pugh specifically refers to what he perceives as persuasive effects in the AVR and the arguments of the townscape assessment. The townscape consultant argued that the visual impact of No.1 Blackfriars Road was not sufficient to cause major harm. The formal characteristics of the top visual portion of No.1 Blackfriars Road is described as having an 'elegant profile' and 'complex prismatic' form and quality of the architecture (Tavernor 2006a: 52-54). The glass skin of the building was said to contrast with the historic buildings in the foreground and the distant effects of light reflections were used to further emphasise the design's architectural quality. The townscape consultant

concluded that No.1 Blackfriars Road would 'provide another point of visual interest on the distant horizon, well beyond the picturesque foreground scene' leaving it unharmed (ibid.: 52-54).

Pugh does not disagree with the quality of the building, and nor did English Heritage in its assessments (LB Southwark 2006a; 2007a). Further, he disagrees with the reasoning that because of the quality of the architecture what is visible will not harm the view. What is perceived by the design team as an objective assessment, based on the London Plan and the LVMF methodology, is perceived as an act of persuasion by English Heritage. The interview with Paddy Pugh was conducted in November 2007 after the 2007 LVMF had been published in July and after the LB Southwark had granted planning permission to No.1 Blackfriars Road on 21 July. As has been discussed in chapter 3, the 2007 LVMF diminished the potential of English Heritage to protect the St James's Park view. While the townscape assessment referred to here was based on the 2005 draft LVMF, which had already allowed the townscape consultant to argue that No.1 Blackfriars Road enhances the view, the 2007 LVMF limited English Heritage's scope for objecting. While the townscape consultant follows the methodology of the LVMF in finding no harm but enhancement, English Heritage's interpretation of the LVMF finds harm. This is further evidence of the divergent interpretations that are possible based with the LVMF, with English Heritage basing their assessment on preserving the historic character of the view. Tavernor, as an architect and architectural historian, is able to argue from two points of strength that based on his extensive architectural experience this is a first class design and that the urban environment is always subject to change and that now buildings should enhance rather than simply preserve it.

Image 7 shows the proposed No.1 Blackfriars Road and the consented Bishopsgate Tower and King's Reach Tower Redevelopment (the consented projects are shown as line drawings). The townscape assessment compared No.1 Blackfriars Road with these consented buildings stating that: like these projects, No.1 Blackfriars Road will appear to be a 'distant form' and will be 'no taller than the spiralling top of the Bishopsgate Tower' (Tavernor 2006a: 52). The most prominent modern building to remain in the view is the London Eye (ibid.). The assessment concluded that No.1 Blackfriars Road would enhance the view through the elegance of its design (ibid.). Pugh's disagreement with the assessment is also mainly a disagreement with the QVA methodology

advocated by the LVMF. First, he does not believe that AVRs as currently used represent tall buildings as they would appear when built. Second, he disagrees that the visibility of projects granted permission will reduce the harm caused by No.1 Blackfriars Road. This inherent disagreement exemplifies the argument developed in chapter 3: that the cumulative assessment of precedent cases has limited English Heritage's ability to advocate its interests in safeguarding heritage assets.



Image 7: AVR of No.1 Blackfriars Road in the St James's Park towards Horse Guards Road townscape view from 2008. This AVR was also used in negotiations between English Heritage planning officers and the design team of No.1 Blackfriars Road in 2007 prior to the joint public inquiry. Source: Tavernor 2008d: 53; © Cityscape3D

Key to image 7

- 1 Bishopsgate Tower
- 2 No.1 Blackfriars Road
- 4 King's Reach Tower Redevelopment

4.5 Negotiation with English Heritage

This section examines the negotiation process between Justin, the developer of No.1 Blackfriars Road, and Paddy Pugh, director of English Heritage's LAC. This particular negotiation took place after the planning committee meeting in July 2007 in which No.1 Blackfriars Road was granted planning permission by the LB Southwark. In consultation, English Heritage had maintained the position that it would request a call-in by the Secretary of State if planning permission was granted (LB Southwark 2007a). Therefore, it was crucial for the design team to reach an agreement with English Heritage so as to avoid a call-in. The section primarily draws on data accessed through interviews with LAC members, the developer and the responsible English Heritage officer. It is argued that, on the one hand, LAC members perceived compromise bargaining by the design team, who used repetitive height reductions to get English Heritage to withdraw its threat of a call-in. On the other hand, the design team was threatened by English Heritage's insistence on requesting a call-in request and perceived that they would have to go through a lengthy and costly public inquiry. Furthermore, it is argued that an agreement was reached and thus any conflict was successfully resolved, since the parties were able to find a solution in which both could advocate central aspects of their interests despite having to live with trade-offs.

The perception of compromise bargaining

Graham Morrison, who is a member of the LAC committee and also a principal architect in Allies and Morrison who are involved in tall building projects in North Lambeth and Southwark, describes his perception of the implementation process of No.1 Blackfriars Road in the LAC.

On the Beetham building [No.1 Blackfriars Road] it has been more complicated because [...] they know they are not going to get everything they apply for. So they ask their architect to make it twenty stories taller than the thing that they realistically think it is going to be. Because then they can say: well we consulted, we conceded. We wanted to build this [226 metres high], now it's going to be that [180 metres high]. But probably in their hearts they are aiming for that [170 metres high]. So they say they are aiming to do that and it comes down to do that. And they are quite pleased because they got more than they thought. Everybody knows it's a game. And that's why you have to fall back on as objective an analysis as you can possibly do.

Morrison insinuates that the design team of No.1 Blackfriars Road used compromise bargaining strategically to pressure English Heritage into withdrawing its threat of a call-in. In his perception, the design team of No.1 Blackfriars Road submitted the proposals for the 226 metre tall building because they knew that English Heritage and other heritage advocacy groups would object so that the proposal could be reduced in height, and to show compliance with the consultation responses and still be profitable. In fact, the proposal was reduced in height to 180 metres in the 2006 planning application and to 170 metres after the negotiations with English Heritage in the autumn of 2007 (PINS 2009a) (see image 8 in relation to this paragraph). Other projects visible in the St James's Park view had undergone similar processes. The Bishopsgate Tower was reduced in height by 16 metres in November 2005 due to an objection by English Heritage (GLA 2006b). 20 Blackfriars Road was initially proposed as a single tower 226 metres high (see appendix 9). CABE, following the assessment within the DRP, criticised the visual appearance and the massing of the project (CABE 2005c). In reaction, the brief was amended and a two tower solution was proposed with heights of 148 and 105 metres (Wilkinson Eyre Architects 2008). The Doon Street Tower was reduced from 173.2 metres (as proposed in November 2005) to 144.3 metres due to objections by heritage groups (PINS 2008). The height reductions were responses to objections by a range of bodies during the consultation process.

Morrison's reasoning in the interview quoted above can be compared with further interviews and media data. Fred Manson, the former Director of Regeneration at the LB Southwark, argued that it would be typical for planning consultants to advise their clients to put forward a planning application for a building with the greatest amount of height in order to test whether a project with optimum financial gain could be achieved. One way to interpret this action is to take into account the media perception of the project and the meaning of this for developers. A central aspect of a very expensive high risk tall building project, such as No.1 Blackfriars Road, is to find a company that buys the finalised building, as public relations consultant Ian Lindsley has confirmed.

Media reports on such a high profile building attract the attention of potential buyers. In July 2005, Beetham Organization published a press release stating that it was planning a 500 million pound tall building project at No.1 Blackfriars Road (Beetham Organization 2005). The height of a proposed tall building is an important factor for marketing and for finding a company to buy the finalised project. Although I was not able to determine

whether the initial proposal at 226 metres and the successive height reductions were part of an overarching strategy by the design team of No.1 Blackfriars Road or not, it is important to note that this perception persisted within English Heritage's LAC.

The agreement reached between the design team and English Heritage

I discussed the assessment outcomes of face-to-face negotiations between the developer, Justin, of No.1 Blackfriars Road and Paddy Pugh from English Heritage. At the time the interview took place, it was already known in expert circles that English Heritage had agreed not to seek a call-in because it had reached a compromise with the developer to reduce the building by another 10 metres to 170 metres in height. The developer, Justin, reflects in hindsight on the positive outcome of this negotiation.

Juergen:

I was wondering why they [English Heritage] did that.

Justin:

It was partly to avoid getting a call-in.

Juergen:

Exactly, but what did English Heritage get out of that?

Justin:

Save face.

Philip Davis who was doing a presentation [...] he is so anti tall buildings. He basically says you don't need tall buildings. But he said: look how we managed to bring that down! He showed the 226 and the 170 without the intermediate one. It had to be said: if you just look at this tree line with this thing sticking out like that in isolation and you are getting a distance effect and so on. You know, you can make it look dramatic. But you can make anything look incongruous if you take the views, especially in two dimensions.

In the interview quoted above, Justin criticises English Heritage which in his perception overstated the visual effects of No.1 Blackfriars Road on the St James's Park view. In relation to this, as has been discussed in section 1 of this chapter, English Heritage is subjected to strict scrutiny by interest groups which are very likely to issue a complaint to the national government if they think that assessments made are unjustified, as is evident in the House of Commons reports (House of Commons 2002; 2006). Therefore, English Heritage needed to emphasise the negative visual effects of No.1 Blackfriars Road to justify its strong objections, while maintaining a fair and objective assessment process.

In the autumn of 2007, when the developer, Justin, and Paddy Pugh from English Heritage negotiated a compromise, the design team had to be convinced that English Heritage, and other potential objectors—the Westminster City Council and the Royal Parks—would continue to object. They had already raised strong objections to No.1 Blackfriars Road in 2006 and July 2007 based on the visual impact of the project on the St James's Park view (LB Southwark 2006a; 2007a). In addition, No.1 Blackfriars Road had been mentioned in a report by the DCMS to UNESCO in 2007 which stated that the project was one of several projects that were likely to cause serious negative effects on the Westminster World Heritage Site (WHS) and that UNESCO was therefore considering putting the WHS on its list of endangered monuments (DCMS 2007a). As a result, as has been mentioned by several interviewees, the Secretary of State was very likely to follow call-in requests for all of these projects including No.1 Blackfriars Road.

There is an important aspect of temporal simultaneity with regard to tall building projects in the northern parts of Lambeth and Southwark. At the time when Justin and Pugh negotiated their agreement, the Doon Street Tower planning application had just been submitted to the LB Lambeth (PINS 2008). The Doon Street Tower was considered to have a greater negative impact on the St James's Park view due to the project appearing higher within the view when compared with the 170 metre tall version of No.1 Blackfriars Road (*ibid.*) (see image 8). In addition, the Doon Street Tower was visible from within the courtyard of Somerset House, a Grade I listed building (*ibid.*). Furthermore, the design team of the Elizabeth House project, which comprised three tall buildings at Waterloo, was also preparing to submit for planning (PINS 2009b). It has been argued by a range of interviewees, such as William and Nick from CABE, that the design teams were waiting to see who would submit a planning application first. Due to the potentially harmful visual effects of all these projects in the DCMS report from 2007, it was very likely that whichever project was submitted first would in all likelihood be called in by the Secretary of State. In addition, both the Doon Street Tower and No.1 Blackfriars Road appeared visible in almost the same part of the St James's Park view (PINS 2008; 2009a). Therefore, the respective developers had to be very mindful of when to submit for planning.

In the interview quote above, Justin explains that English Heritage entered into the compromise agreement and withdrew its request for a call-in because it needed to save

face. In order to test this statement, it first needs to be established what the possible reasons could have been for English Heritage to withdraw the threat of a call-in. It has been argued by a number of interviewees, who shall not be identified by name with respect to this issue, that the large number of high level public inquiries regarding tall buildings in London financially constrained English Heritage. However, annual accounts of English Heritage do not identify how much money was spent on public inquiries. Furthermore, English Heritage's statutory remit is to safeguard heritage assets in the whole of England. Indeed, tall building cases also caused considerable controversy in Liverpool, Manchester, Newcastle upon Tyne and Birmingham (Short 2007). Furthermore, conservation aspects regarding tall buildings are only one of many matters which English Heritage has to manage. Thus, it is not possible to say with certainty to what degree English Heritage was or is constrained by its budget in terms of its ability to successfully conduct large numbers of public inquiries.

As has been confirmed by interviewees in informal conversations, the cost of a high level barrister and supporting instructing solicitor needed to conduct a public inquiry successfully can be up to one million pounds, in addition to the costs of the expert witnesses. English Heritage was the primary opposing party at six out of eleven public inquiries regarding tall buildings in central London between 2000 and 2009 (see appendix 7). Based on these issues, it is plausible to assume that English Heritage would not have been able to finance three major public inquiries in a short space of time. The Doon Street Tower and Elizabeth House were called in by the Secretary of State following requests by English Heritage (PINS 2008; 2009b). By getting the design team of No.1 Blackfriars Road to reduce the height of the project by another 10 metres to 170 metres in height, English Heritage was able to show that its consecutive objections had led to a significant reduction in the visual impact on St James's Park to avoid public inquiry.

In summary, the compromise agreement reached between English Heritage and the developer of No.1 Blackfriars Road did not result in the optimum outcome for either party. English Heritage would have preferred the project not to be visible from St James's Park, as is evident in its objection maintained in 2008 (English Heritage 2008b). The developer would have preferred the 180 metre tall version. The price for a penthouse suite, located in the upper half of No.1 Blackfriars Road, was estimated at 2.5 million pounds in 2005 (Beetham Organization 2005). The top floors were proposed as

single units, which would have been most likely to be the most expensive and lucrative suites in the tall building element. In the development control report published by the LB Southwark in December 2007, it is evident that despite the reduction by one floor, the number of hotel rooms and private residential units remained the same (LB Southwark 2007b). However, compared to the much taller 2005 version, the hotel was reduced by 953 square metres, market residential units reduced by 80 square metres, and the volume of the sky deck also reduced (ibid.). Therefore, by agreeing to forego about three to four floors, the developer had to rebalance the financial equation. Nonetheless, the compromise agreement reached needs to be understood as a positive outcome in terms of planning since conflicts were resolved and the project would have been able to move forward to construction. However, further conflict and an inquiry were to ensue.

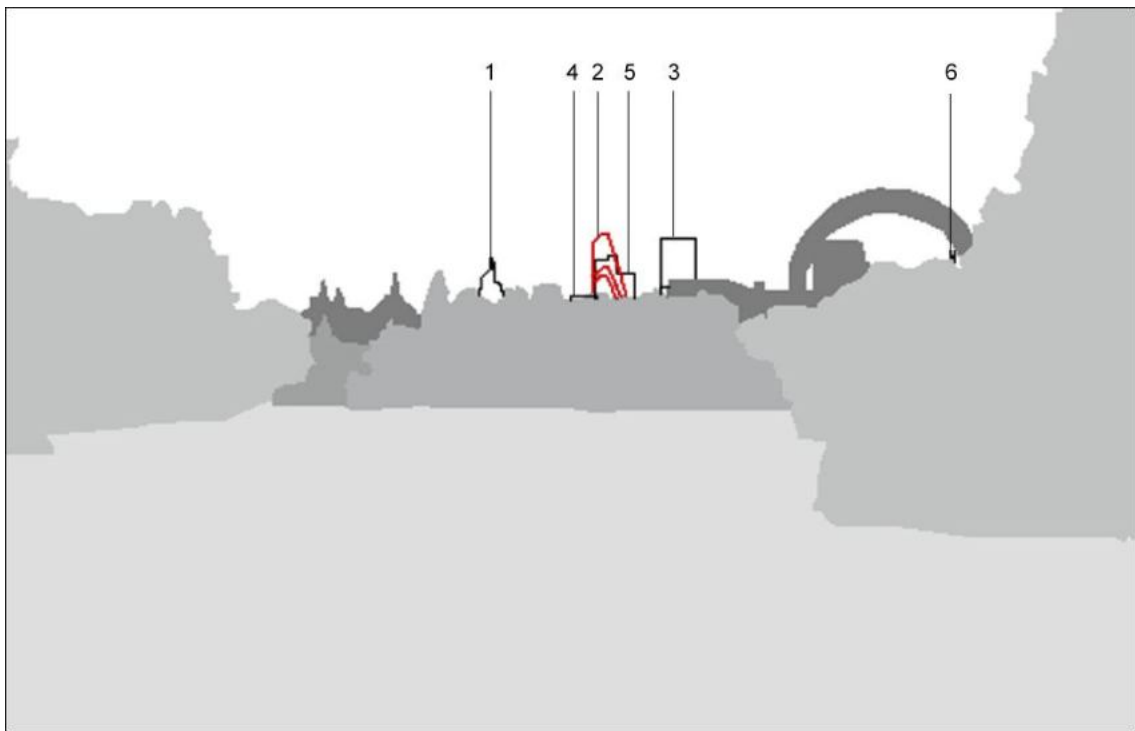


Image 8: Image showing the proposed No.1 Blackfriars Road project with the reductions in height relative to other tall building proposals visible in the St James's Park towards Horse Guards Road townscape view. The image also shows the height reduction of the 20 Blackfriars Road project which resulted from an amendment to the development brief. The latter version proposed two instead of one building. I recommend the reader uses appendix 14 to clarify the layering of the tall buildings in the background of the view. Source: Author

Key to image 8

- 1 Bishopsgate Tower
- 2 No.1 Blackfriars Road
- 3 20 Blackfriars Road
- 4 King's Reach Tower Redevelopment
- 5 Doon Street Tower
- 6 London Bridge Tower

4.6 Conclusions

In the CABE DRP process, the array of subjective expert opinions is transformed into an objective final assessment. Objectivity is achieved because CABE DRP step back from the various expert opinions expressed at the DRP when they are writing the finalised reports. Of particular importance in the DRP process is the experience of the panel members, who are themselves architects and consultants, regarding high end architectural and tall building projects. Without this expertise, the DRP assessment could easily be biased by the various persuasive effects that are a part of the presentation materials produced by architects and visualisation firms. However, the fact that many CABE panel members are often also members of design teams working on projects that are being assessed by CABE, has led to accusations of potential conflict of interest. Architects who have complained about a lack of objectivity by the DRP, tend to do so when their projects have been assessed negatively by CABE. Accusations over conflicts of interests have also been made by heritage groups aggrieved by CABE's support for tall building projects. The conflict of interest issues therefore appear to be a problem of perception. Accusations are possible because, of the involvement of CABE members in high end projects, leading to a potential for conflicts of interests.

In terms of the pre-application processes, these appear to work rather well between the design teams and CABE. Due to discussions between leading CABE DRP personnel and design teams early on, the design teams are able to prepare well for the DRP process. A high degree of certainty is achieved for developers when CABE is able to confirm early on that the location in which a tall building is being proposed is acceptable. Due to the level of information exchanged with CABE, the design teams are able to effectively address and resolve potentially problematic aspects of the design. In contrast, pre-application discussions with English Heritage are characterised by a less constructive interaction in the early stages. This is in part a result of radically opposed positions. English Heritage would prefer if tall buildings did not have visual impact on heritage assets, but this would severely limit the opportunities for developers, indeed rendering many tall building projects unfeasible. A significant amount of uncertainty results from withholding information regarding the threat of English Heritage requesting call-in at the planning application stage. Therefore, conflict resolution at the pre-application stage between the design teams and English Heritage is poor. Design

teams have to wait until the consultation responses from English Heritage are published, and only then can they amend the design and submit it for planning again.

The compromise reached with the design team of No.1 Blackfriars Road was a departure from this typical pre-application process with English Heritage. Although both parties had to accept that optimum results could not be reached, conflicts were resolved. The developer agreed to reduce the height of the tall building and in exchange, English Heritage withdrew the threat of a call-in. This must be seen as a positive result since this agreement opened up the possibility that the planning process for No.1 Blackfriars Road could go ahead without a lengthy and costly public inquiry. However, it needs to be taken into account that it is plausible that a compromise was only achieved due to financial and temporal constraints. On the one hand, the design team needed to get English Heritage's agreement due to the fact that the DCMS stated that No.1 Blackfriars Road was a potential threat to central London's WHSs. On the other hand, English Heritage needed to prove that it had taken every measure possible to reduce the visual impact of No.1 Blackfriars Road due to the potential criticism it might face from interest groups, such as the WCC, the Royal Parks and ICOMOS UK, which demanded the project should not be visible from within St James's Park at all. It is therefore unlikely that compromise agreements will become the norm since the No.1 Blackfriars Road case has been a one-off departure from the typical process so far.

English Heritage has not accepted the finalised 2007 LVMF as a method appropriate for assessing the visual impact of tall buildings. This created the problem that townscape assessments for No.1 Blackfriars Road presented to English Heritage by design teams were perceived as attempts to persuade English Heritage to withdraw its call-in threat. This results from the lack of conflict resolution in the LVMF policy making process.

A very important factor in enhancing the objectivity of the CABE DRP and English Heritage's LAC is the involvement of private sector experts. Expertise gained from significant development projects, including tall buildings, and the interdisciplinary compositions of the panels allow CABE and English Heritage to incorporate a diversity of opinions. Objectivity is enhanced since the final assessment reports are prepared by CABE personnel and the English Heritage Commission as independent bodies. Experts from the private sector are not involved in writing the final reports. Conflicts of interest are managed through codes of conduct which are in line with the Nolan Report. Panel

members announce any potential conflicts of interest, and then withdraw from the assessment of these projects. There is no evidence suggesting that potential conflicts of interest have not been managed effectively.

5. Local planning authority and UNESCO

The design team's final goal in the planning process is to achieve planning permission for their projects. One important step in this process is to secure the support of local politicians and planning officers. This chapter considers the processes of local policy making, development control and decision making regarding the planning permission for No.1 Blackfriars Road by the LB Southwark. The first section discusses the efforts made by the LB Southwark to establish a tall building policy for the Blackfriars area so that tall building projects located there could be granted permission. In particular, the section discusses the policy making process, including the consultation and political decision making internal to the LB Southwark. It is determined what the impact of the results of the policy making process were on providing certainty for the developers of tall buildings located in the north-western corner of Southwark, including No.1 Blackfriars Road. The second section focuses on pre-application discussions between private design team members, GLA, and LB Southwark planning officers. In particular, it is examined how design teams prepared for and conducted pre-application discussions. Furthermore, the relevance of the principal contacts within the LB Southwark, such as planning officers and local politicians, is determined.

The third section focuses on evaluating the impacts of the involvement of UNESCO in policy making and implementation. UNESCO became a major third party regarding tall buildings in central London because it threatened to put the Westminster and Tower of London WHSs on its List of World Heritage in Danger, which could have eventually led to their removal from the World Heritage List. The fourth section focuses on the debate and decision making processes between the private design team and LB Southwark local councillors within the planning meeting regarding the planning decision for No.1 Blackfriars Road. The focus is on the issues foregrounded in the debate and the efforts made by local councillors to assess the suitability of No.1 Blackfriars Road. Furthermore, bargaining between councillors and the design team is examined regarding central aspects of the projects, such as Section 106 (S106) obligations, the allocation of parking spaces, the visual impact and architectural design.

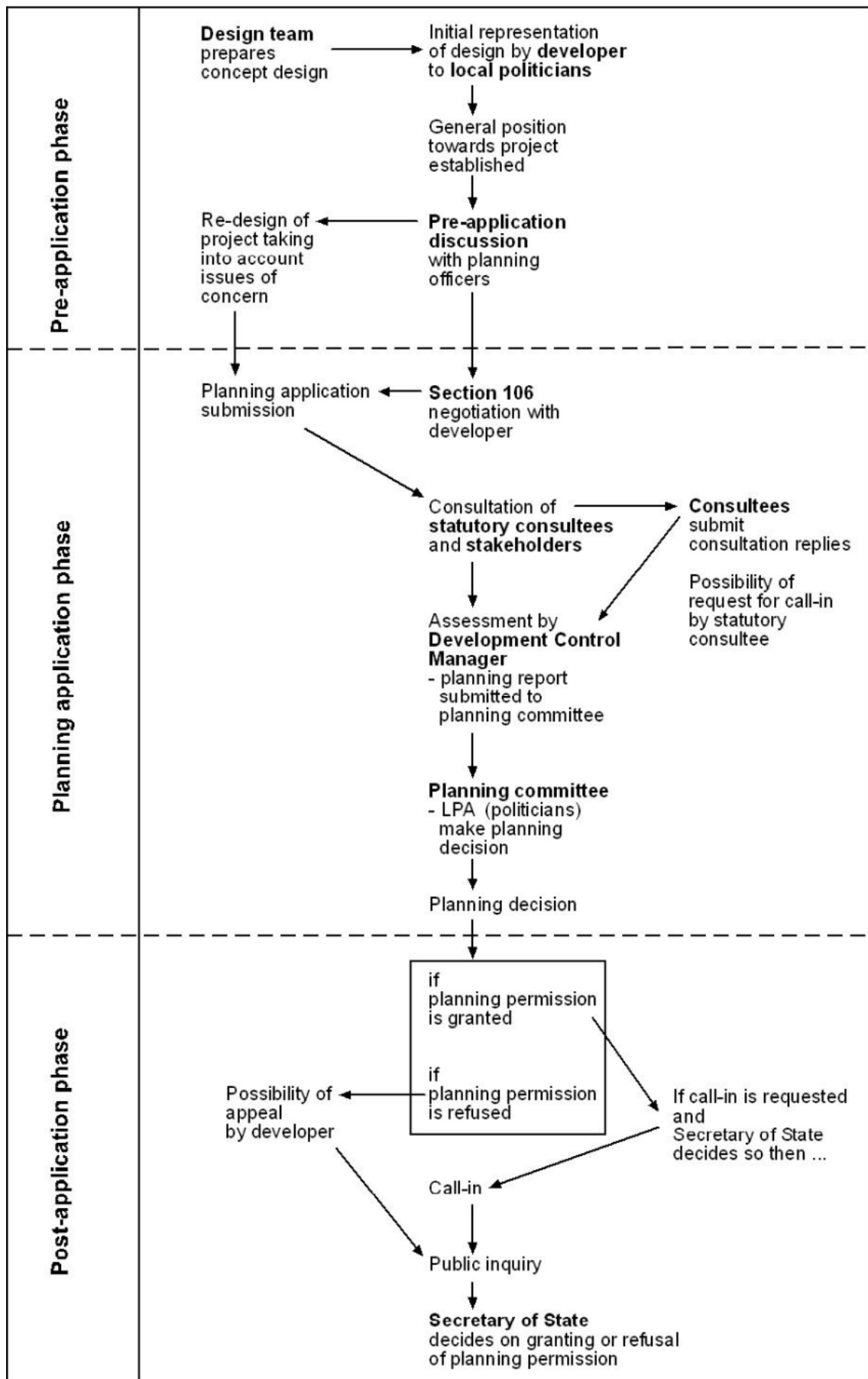


Figure 5: Diagram of the most relevant LPA processes regarding tall building development. The directions were amended and appeal processes can now be decided by the planning inspector directly, as has been the case with Black Prince Road (PINS 2009c).

5.1 Tall building policy for the north-western corner of Southwark

This section focuses on local policy making—the development of the Southwark Plan—with a particular focus on the Bankside and Borough area in which No.1 Blackfriars Road is located. Critically, the north-western corner of the LB Southwark where the project of No.1 Blackfriars Road is located is not identified as an Opportunity Area in the London Plan (GLA 2004a). Consequently, the Southwark Plan, the Local Development Framework (LDF) for Southwark, has identified Elephant and Castle and London Bridge as Opportunity Areas but not the Blackfriars Road area (LB Southwark 2007c). According to the plan-led approach advocated through the 1991 Planning and Compulsory Purchase Act, local policy has to be based on national and regional policy (OPSI 1991). Planning decisions regarding the granting or refusal of planning permission have to be determined in accordance with national, regional and local development frameworks (OPSI 1990a). Thus, despite the strong support for No.1 Blackfriars Road by the GLA and the LB Southwark, there was doubt as to whether the particular location was appropriate for a tall building. First, the section examines the efforts made by the LB Southwark to develop a tall building policy for the Blackfriars area. Following the discussion of these data, the policy making efforts in conjunction with the wider regeneration strategy of the LB Southwark are considered. As it finally turned out, the tall building policy for Blackfriars was rejected by local politicians (Strategic Director of Regeneration 2007). This lack of a tall building policy specific to the area in which No.1 Blackfriars Road is located is examined in terms of its effects on certainty for developers and its meaning for the further planning process.

Efforts to develop a tall building policy for the north-western corner of Southwark

In 2004, a number of developers expressed their interests in proposing tall building developments at the north-western corner of the LB Southwark. The King's Reach Tower was proposed to be redeveloped and was granted planning permission in July 2005 (LB Southwark 2005c). The projects of No.1 Blackfriars Road and 20 Blackfriars Road were discussed initially with local politicians and planners (Ian Simpson Architects 2008; Wilkinson Eyre Architects 2008). At the site of No.1 Blackfriars Road, a project for a nineteen story tall building for Sainsbury's, designed by the acclaimed practice, Foster and Partners, set a precedent for the appropriateness of a tall building on the site (Ian Simpson Architects 2006). In addition, precedents for tall building

development in the northern part of Lambeth were set through the London Bridge Tower (colloquially referred to as the Shard), which was granted permission following a lengthy public inquiry in 2003 (PINS 2003), and Potter's Fields, which was granted permission following an appeal procedure (PINS 2004b). Therefore, in addition to development pressure for tall building in the Blackfriars area, there were precedents that suggested that tall building projects would be acceptable there.

In Southwark, the Elephant and Castle master plan proposed a major restructuring of the area located at the fringe of the CAZ. At Blackfriars and in the wider Bankside area, a number of projects such as the redevelopment of Tate Modern, the London Eye, Bankside 123 and others had already kick-started regeneration (see the orange areas in map 9). The LB Southwark was interested in tall building development at the southern end of Blackfriars Bridge based on the belief that this would support high end development further south at Elephant and Castle where investment was desperately needed (Bevan 2008). Since there was not yet a tall building policy specific to the Blackfriars area, three consecutive workshops were held between January and March 2005 focussing on discussing the potential for tall building development at the southern end of Blackfriars Bridge (Sparks 2005). The workshop summary document from 26 January 2005 lists the interested architects, among others the architects of No.1 and 20 Blackfriars Road, major planning consultancies as well as planning officers from English Heritage, the GLA and local boroughs as participants (*ibid.*).

Southwark planners advocated tall building development in the borough through local policy. In 2004 and 2005, the LB Southwark published drafts of the Southwark Plan, the LDF for the LB Southwark (Hollox and Mattox 2005). In July 2005, the inspectors reviewing the plan concluded that the Southwark Plan 'gives a very good outline of the vitality and character of this part of Southwark' (*ibid.*: 132). Furthermore, they concluded that Policy 1.4 was flexible in approach so as to allow for mixed use development although office use was prioritised (*ibid.*: 133). This was an important factor for the No.1 and 20 Blackfriars Road projects. No.1 Blackfriars Road proposed hotel and high end residential uses, while 20 Blackfriars Road proposed offices and later a mix of offices and housing (Ian Simpson Architects 2006; Wilkinson Eyre Architects 2008).

Following the workshops and reports, Southwark planners developed the Draft Tall Buildings Supplementary Document for Consultation published in November 2005 (LB Southwark 2005b). This draft document identified the northern end of Blackfriars Road as an area appropriate for tall building development. The reasoning for tall building designation was threefold: i) the area lies outside viewing corridors and that therefore there was no risk of damaging significant views towards St. Paul's or the Palace of Westminster; ii) the area is very well connected to public transport, a requirement of the London Plan; and, iii) planning consent for King's Reach Tower and planning consent for a tall building at the site of No.1 Blackfriars Road showed that there was a significant potential for tall building development (ibid.). Strengthening these assessments, the Director of Regeneration of the LB Southwark wrote a report in June 2006 requiring this be recognised by local politicians. This report focussed on tall building policy in the forthcoming Southwark Plan. The report pointed out Policy 3.20 of the Southwark Plan that would apply to tall building development in the Opportunity Areas of London Bridge (B in map 9) and Elephant and Castle (C in map 9), as well as the north-western corner of the borough, Blackfriars Bridge (A in map 9) (Strategic Director of Regeneration 2006). Policy 3.20 of the Southwark Plan states that planning permission may be granted to tall buildings in the CAZ, and in particular in Opportunity Areas (LB Southwark 2006a)

The Southwark Plan was finally adopted by the council members on 29 June 2006 (ibid.). However, much to the detriment of supporters of tall buildings in the Blackfriars area, the final result was that the supplementary guidance specific to the issue of tall buildings in the area of Bankside and Borough did not achieve the consent of local politicians and was therefore withdrawn (Strategic Director of Regeneration 2007). In 2007, when the planning applications for No.1 and 20 Blackfriars Road were submitted to LB Southwark, there was no policy that specifically designated the sites as appropriate for tall building development. As a result, objectors such as English Heritage, the Royal Parks and the WCC argued in consultation against these projects due to the absence of a local tall building policy designating the sites as appropriate for tall buildings, any granting of planning permission would be premature (LB Southwark 2007a; b; 2008b). This posed a serious threat for the design teams of the tall building projects since, based on the finalised 2007 GOTB, local boroughs were required to produce tall building policies that identify areas appropriate for tall buildings (English Heritage and CABA 2007b).

The meaning of the absence of an area specific tall building policy

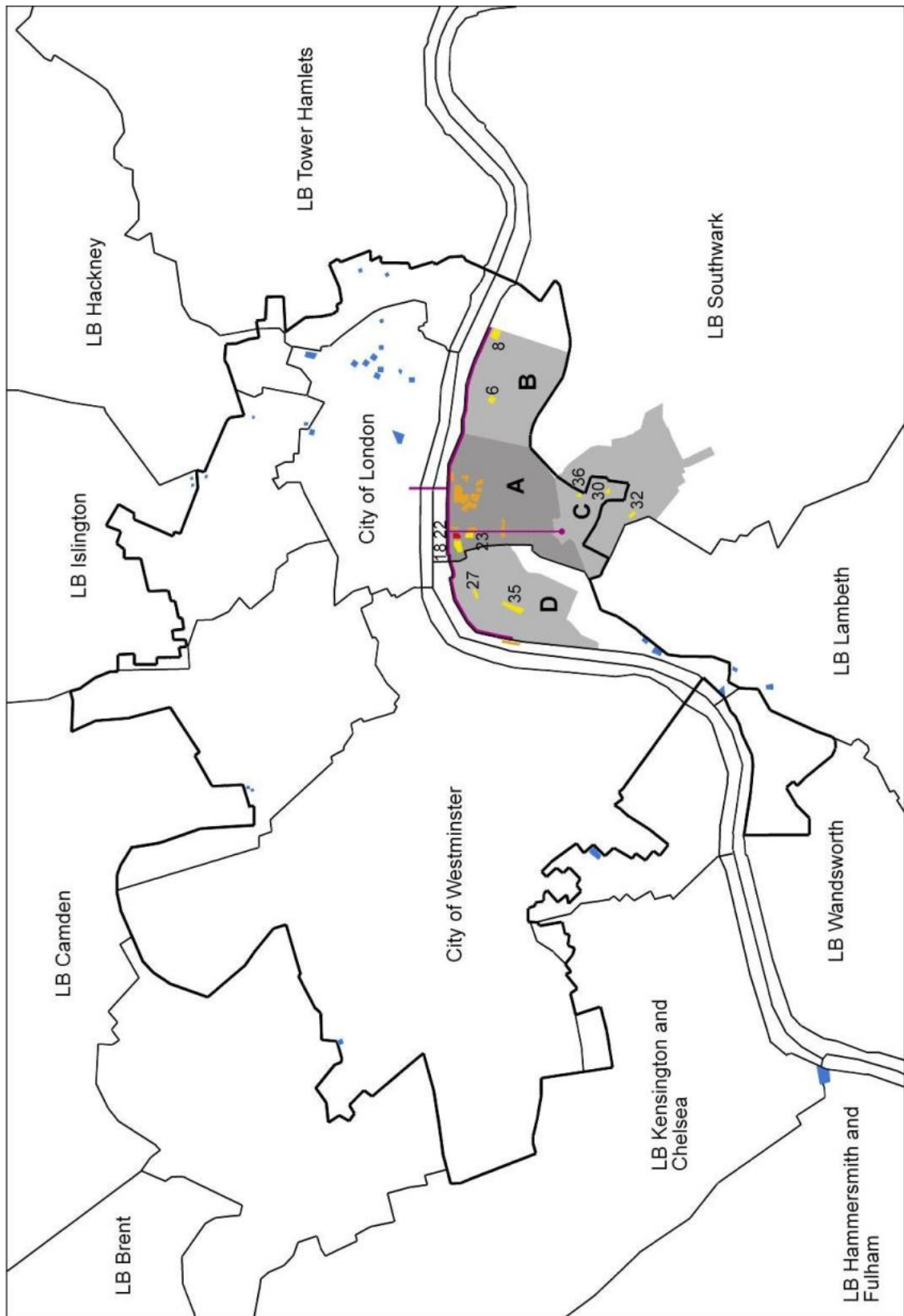
The north-western corner, the Blackfriars Bridge area, held an important strategic purpose in Southwark's planning approach. As both Fred Manson, the former Director of Regeneration, and Adrian Dennis, the case officer for No.1 Blackfriars Road, explained in interviews, attracting and permitting high end tall building development at the southern end of Blackfriars Bridge (A in map 9) was perceived as an attractor for the regeneration at Elephant and Castle further south (C), an Opportunity Area that does not have the advantage of close proximity to central London and the River Thames. Therefore, the reasoning of Southwark's planners was that if they were able to get planning permissions for high end tall buildings at Blackfriars Bridge, this would have a spin-off effect on Elephant and Castle and help to attract investment interests by developers there. Map 9 shows that three tall building projects were proposed during 2006 and 2007 in the Elephant and Castle area: Castle House Redevelopment (21), Elephant and Castle Tower (22) and Eileen House (24).

This spin-off effect in terms of regeneration was enhanced by the significant amounts that were expected to be gained for the LB Southwark through S106 obligations. Purple lines in map 9 show the linkage of Blackfriars Road to be upgraded through the Blackfriars Road improvement scheme, also a part of the S106 agreement, to the river frontage, including the link across the River Thames established through the Millennium Bridge (see appendix 10 for a full account of S106 obligations for No.1 and 20 Blackfriars Road) (LB Southwark 2007b; 2008b). Therefore, a tall building policy that allowed the granting of planning permission for No.1 and 20 Blackfriars Road was essential so that the significant planning gain through S106 and the spin-off effect in terms of regeneration could be obtained by the LB Southwark. However, in the face of a potential call-in by the Secretary of State, what has the absence of a tall building policy meant for the design team?

There are reasons to suspect that not having in place a specific tall building policy could be an advantage for developers. In interviews in late 2007, the developer, Justin, the architect, Christian Male, and Fred Manson, the former Director of Regeneration at the LB Southwark, argued that not having a tall building policy can be advantageous for developers. Developers can identify sites at which a tall building may possibly be proposed before the site has been designated as appropriate for a tall building within a policy, when the sites are likely to be cheaper. In November 2010, the site of No.1

Blackfriars Road was estimated in the property press at a price of £150 million due to the granting of planning permission for the Sainsbury project (Phillips 2010). However, the developers Beetham Organization already owned the site in 2007 (Ian Simpson Architects 2008). Due to the threat posed by a potential call-in, the design teams would have very much preferred if there had been a tall building policy identifying the sites of No.1 and 20 Blackfriars Road, as is confirmed by the developer, Justin, the architect, Christian Male, and the planning consultant, Roger.

To resume, the design team of No.1 Blackfriars Road managed to obtain the support of the GLA, CABE and the LB Southwark due to repeated improvements to the design and an agreement reached on S106 obligations (GLA 2007c; e; CABE 2007a; LB Southwark 2007b). Another agreement was reached with the LB Lambeth which had threatened to object due to visual impacts on the Roupell Street Conservation Area if there was no S106 gain for them. Lambeth did not continue to object (LB Southwark 2007b). Most importantly, a compromise agreement was reached with English Heritage which no longer required a call-in by the winter of 2007 (English Heritage 2008b). English Heritage, as a co-author of the 2007 GOTB, thereby provided validation that the Southwark's policies were sufficient to grant planning permission. Only after this agreement was a degree of certainty established that allowed the design team to submit a planning application with a high potential of it not being called in and not having to go to a public inquiry. Reaching an agreement with the WCC and the Royal Parks was impossible since reducing the height of the project so that it would no longer be visible from within St James's Park would have resulted in a design that would no longer—according to the developers—have been financially viable.



Map 9: No.1 Blackfriars Road and Southwark's planning strategy. The drawing is based on the Waterloo Opportunity Area Framework (GLA 2007f), the LB Southwark 2010 consultation plans for the Bankside, Borough and London Bridge areas (LB Southwark 2010a), and a drawing that identifies regeneration schemes in relation to No.1 Blackfriars Road produced by Ian Simpson Architects (Ian Simpson Architects 2006). Source: Author

Key to map 9

Projects

Red	No.1 Blackfriars Road
Yellow	Tall building projects in northern Southwark and Lambeth
Blue	Other tall building projects in central London
Purple	The Blackfriars Road improvement scheme connected with the river walk along the River Thames and the Millennium Bridge
Orange	Locations of developments with planning consent that made significant contributions to the regeneration of Southwark

Opportunity Areas as designated by the LB Southwark in 2010

A	Bankside Opportunity Area
B	London Bridge Opportunity Area
C	Elephant and Castle Opportunity Area
D	Waterloo Opportunity Area

5.2 Pre-application discussion with Southwark

This section considers the pre-application process between planning officers from the LB Southwark and the design team of No.1 Blackfriars Road. According to the 1990 Town and Country Planning Act, the principal agency that has the power to grant planning permission is the local planning authority (LPA) (OPSI 1990a). In the case of No.1 Blackfriars Road, the LPA is the LB Southwark. The purpose of a pre-application discussion is to resolve issues prior to the planning application submission and decision making at the planning committee (Killian and Pretty 2008). Thus, pre-application discussions are most effective if conflicts are resolved early on so that time is saved, greater certainty is obtained for the design team and the quality of development is increased (ibid.). The examination of pre-application discussions in this section primarily draws on data gained in interviews with Adrian Dennis, the Team Leader in the Major Applications Team in the Regeneration and Neighbourhoods Department of the London Borough of Southwark. Dennis was also the case officer for No.1 Blackfriars Road. Furthermore, data gained in interviews with the No.1 Blackfriars Road planning consultant, Roger, and the public relations consultant, Ian Lindsley, are considered. The first part of the section takes the perspective of the LPA case officer, while the second part takes the perspective of the design team.

The LB Southwark case officer's perspective of pre-application discussions

In an interview, Adrian Dennis framed his interaction with the architect and the design team regarding pre-application discussions on design matters for No.1 Blackfriars Road. Adrian Dennis was the case officer for the London Bridge Tower designed by Renzo Piano Building Workshop and No.1 Blackfriars Road.

Again the better example, I know it's outside your area, is the Shard [London Bridge Tower]. On the one hand you might not question Renzo Piano's ability to design fine buildings. However, he did not hesitate to change the building. The same, to some extent, it is with Ian Simpson and Christian Male, his project architect. They are constantly looking at their building and find out how to do it still better. How they got to where they are in the application: its forty models, looking at change. That is the quality: that they change the design to make it better.

The London Bridge Tower was subjected to a public inquiry in April and May 2003 and the issue of design quality was one of the most significant questions in this public inquiry (PINS 2003). The London Bridge Tower's visibility from within the Tower of

London World Heritage Site was a central issue of conflict between proponents and opponents of the project (ibid.). The planning inspector and the Secretary of State concluded that the London Bridge Tower enhanced the view from within the Tower because of its quality of architectural design (PINS 2003; ODPM 2003). Regarding No.1 Blackfriars Road, the aspect that was discussed most controversially was the visual impact on the townscape view from St James's Park. English Heritage, the Royal Parks and the WCC maintained in their consultation replies to Southwark that they objected to the project due to unacceptable visual impacts on St James's Park (LB Southwark 2007a; 2007b). Furthermore, the DCMS stated that No.1 Blackfriars Road, as well as the Doon Street Tower and Elizabeth House might visually harm the Westminster WHS (DCMS 2007a). Therefore, the London Bridge Tower provides an important precedent case for the argument that a tall building is acceptable if it can be proven that it enhances a view through quality of design.

In interviews with me, the project architect, Christian Male, the planning consultant, Roger, and the developer, Justin, argued that the quality of the architectural and urban design of No.1 Blackfriars Road was of prime importance in the planning process. The design team of No.1 Blackfriars Road took on board criticism regarding the urban design quality of the lower buildings by the GLA and CABI (GLA 2005e; CABI 2005a). Adrian Dennis confirmed in an interview that, in addition to this, Ian Simpson Architects also amended the design based on comments he made regarding details such as the location of toilets and further functional aspects. Since the design team of No.1 Blackfriars Road was willing to continuously amend the design until a successful design was developed and the concerns of the LB Southwark planning officers were fully taken into account, Adrian Dennis arrived at the conclusion in his reports to the Southwark planning committee that the design was of highest design quality, thereby fulfilling policy requirements of the Southwark Plan, London Plan, 2000 White Paper, PPS1 and GOTB (London Borough of Southwark 2007a, 2007b). This is critical since, according to the 1990 Town and Country Planning Act, a development proposal may only be granted planning permission if it conforms to national, regional and local policy (OPSI 1990a).

In summary, if the architect is committed to improving the design throughout the pre-application discussions, the case officer will in return be committed to supporting the project in his or her report to the local politicians on the planning committee. The

architects gain credibility with planning officers if they amend the project so as to take into account recommendations. However, design is not the only aspect in which the LPA is interested. The Urban Task Force Report, governmental reports and the DCLG have argued that LPAs should seek to obtain substantial planning gains through S106 agreements (Urban Task Force 1999; Barker 2006b; DCLG 2007a). Indeed, S106 obligations provided as part of the No.1 Blackfriars Road project were quite considerable. The project provided for 32 units of affordable housing on site, 15.62 million pounds for off-site affordable housing and another 8.2 million pounds for infrastructure improvements (see appendix 10). Therefore, besides the discussion of design aspects there were also negotiations regarding these financial aspects.

Design team's perspective of pre-application discussions with Southwark

The second crucial aspect of the interaction between the design team and the LB Southwark was of a political nature. Local councillors are the final decision makers in the planning meeting regarding the granting of planning permission for tall building projects. The planning consultant, Roger, framed the approach of the design team of No.1 Blackfriars Road to interacting with the LB Southwark:

Roger:

Because there is such a wide range of bodies now and so many issues you need to consider, each consultant becomes very important for the role that they play. For example, political consultants, on a scheme like this you need to know what politicians are thinking. You need to know early on and sell the scheme to them and make sure that you address the issues. You know what their key concerns are, so that you can negotiate. The last thing you want is to go to planning committee and not know what their issues are.

Juergen:

Which politicians do you mean, local politicians, regional or national?

Roger:

Principally local. So, the council leader.

Two key aspects can be deduced from Roger's quote. First, information about the constraints and interests of local politicians is crucial for the design team to prepare for negotiations and the planning committee. Second, the most important people who need to be convinced of the merits of a tall building are the local politicians. Public relations consultants are one important source of information that allows the design team insights into the positions and concerns of leading local politicians. In my interview with Ethan, the solicitor for No.1 Blackfriars Road from the law firm, Herbert Smith, confirmed that

information about the constraints and key interests of local politicians, provided by public relations consultants, was crucial for preparing for discussions with the LB Southwark. The public relations consultant for No.1 Blackfriars Road was Jeremy Fraser from Four Communications, a former leader of Southwark Council. Ian Lindsley, from Jefferson Communications, who had not been working on No.1 Blackfriars Road in 2007, confirmed that one of the principal roles of public relations consultants is to obtain information about the key issues that constrain politicians. Furthermore, he stated that public relations consultants have access to politicians not as lobbyists, but rather as gatherers of information. Successful cooperation between the design team and local politicians depends on the design team's ability to address the key concerns and constraints of local politicians.

Experienced planning consultancies such as DP9 have acquired substantial experience in interacting with the LB Southwark planning officers through their involvement in a large amount of tall building projects (see appendix 3). The design team then utilises previous experience and knowledge about the current political structure of the LB Southwark to enhance its interaction. Furthermore, the solicitor, Ethan, also stated that DP9 are one of the prime planning consultancies due to the network built up with influential people in London's planning scene. The developer, Justin, stated that he employed DP9 because they were reputed to be the best planning consultants regarding tall building projects in London. Thus, successful pre-application discussions also depend on the working relationships and connections between the planning consultant, who acts as a communication link with the developer, and local boroughs.

Recently, lobbying has been the subject of a House of Commons inquiry which concluded that there was the risk that non-transparent lobbying threatens the accountability of political decisions (House of Commons 2010). Therefore, it is important to examine how transparent lobbying took place in the case of No.1 Blackfriars Road. The principal goal of meetings with leading local politicians is to achieve their agreement to support a project. Lobbying is perceived as a legitimate action as long as it is conducted in a transparent manner (*ibid.*). The politician must know whose interests the lobbyist is attempting to advocate. In this case, based on the information gathered about how pre-applications worked, local politicians interacted with the developer, public relations consultants and planning consultants, all of which were clearly identifiable with the No.1 Blackfriars Road project. Public relations

consultants acted as information gatherers. Therefore, this form of lobbying would be perceived as a legitimate form of interest advocacy when compared with the findings of the House of Commons inquiry.

Regarding pre-application discussions with planning officers, the fact that certainty is gained through agreements achieved early in the planning process is a positive effect. With the support of leading local politicians, developers can reduce the risks involved in tall building projects because they are then more likely to achieve the granting of planning permission. The roles played by public relations and planning consultants enhance the effectiveness of pre-application discussions due to their positions as information gatherers and communication links. Furthermore, the architect's willingness to constantly improve the design of a tall building leads to building up credibility with local planning officers. Successful pre-application discussions thus reduce the likelihood of conflicts between the design team and the LPA in the planning application phase. Furthermore, they also reduce the likelihood of potential appeals since the LPA is very likely to grant planning permission at the planning committee phase because their key concerns and constraints have been addressed.

5.3 The UNESCO impact

This section considers the involvement and the impacts of the United Nations Educational Scientific and Cultural Organisation (UNESCO) in policy making and implementation processes in central London. The tall building projects of London Bridge Tower, Minerva Tower, Doon Street Tower, No.1 Blackfriars Road and Elizabeth House were identified by UNESCO as potential threats to the Tower of London and Westminster World Heritage Sites (WHs) (UNESCO 2007a). The London Plan was perceived as a policy that proactively encouraged rather than regulated tall building development including those with visual impacts on WHs (UNESCO 2006a). As a result, UNESCO threatened to put the Tower of London and Westminster WHs on their List of World Heritage in Danger (ibid.).

The first part of this section traces the involvement of UNESCO in tall building planning in London from August 2006 until July 2007. It focuses on describing the actions by UNESCO and the UK government, and the Department for Culture Media and Sport (DCMS) in particular. Map 10 is utilised to provide the reader with the spatial relationships between the Tower of London and Westminster World Heritage Sites (WHs) and tall building proposals impacting on those, as well as the spatial effects of a protective policy and guidance. Second, the section examines the causes for and the impacts of UNESCO's involvement. The impacts of UNESCO on policy making processes for the 2007 LVMF and 2007 GOTB and the implementation processes regarding tall building projects in central London, including No.1 Blackfriars Road, are discussed. Finally, the appropriateness of calling in No.1 Blackfriars Road, the Doon Street Tower and Elizabeth House is examined in relation to national government guidance.

UNESCO involvement in tall building planning in central London

Prior to UNESCO becoming actively involved in tall building planning in central London, a number of tall building projects with potential negative impacts on the Tower of London and Westminster WHs had been granted planning permission. The London Bridge Tower was granted permission after an extended public inquiry (PINS 2003). Critically, the London Bridge Tower is located at the other side of the River Thames from the Tower of London and therefore the project will be highly visible from within the Tower of London once built. Furthermore, the enlargement of the Eastern Cluster in

the City of London, incrementally adding new tall building, has led to significant controversy. 30 St Mary Axe was granted planning permission in 1999 (Short 2004). The projects of 51 Lime Street (in 2002) and 122 Leadenhall Street (in 2004) were granted planning permission by the City of London and supported by the GLA (GLA 2002e; 2004b) (see image 9). As discussed in the previous chapters, the Heron Tower project was granted planning permission by the Secretary of State following a public inquiry in 2002 (ODPM 2002). Call-in was sought but Deputy Prime Minister John Prescott refused to call in the Bishopsgate Tower project based on the argument that the issues arising from the development did not justify a call-in (GOL 2006). As can be seen in image 9, the Bishopsgate Tower was largely obscured by 122 Leadenhall Street in critical views from within the Tower of London. The Minerva Tower was the subject of great controversy too, but was supported by the GLA and the City of London (GLA 2002g). As image 9 shows, the Minerva Tower was located some distance away from the Eastern Cluster which might have given rise to more tall building proposals in its vicinity if granted permission. Critically, as is evident in appendix 7, heritage groups lost every tall building public inquiry in central London including appeals regarding the London Bridge Tower, Heron Tower and the Vauxhall Tower which were visible in views from and in relation to the Palace of Westminster.

UNESCO had been aware of the impacts of tall building projects on World Heritage Sites in central London since 2002. ICOMOS UK, the UNESCO's national advisor, had submitted written evidence during a public inquiry opposed to the Heron Tower in 2001 (PINS 2002a). During three consecutive sessions of UNESCO's World Heritage Committee (WHC) in 2003, 2004 and 2005, concerns were raised about tall building projects in central London that would potentially have negative impacts on the Tower of London WHS (UNESCO 2003; 2004; 2005). In August 2006, UNESCO's WHC in its 30th session raised concerns about London Plan policies and development proposals impacting on the Tower of London and Westminster World Heritage Sites (UNESCO 2006a: 110). UNESCO stated that policies of the London Plan were proactive towards tall building development, thereby permitting visual impacts on world heritage. Critically, this report stated that UNESCO would review whether the Tower of London (M3) and the Westminster WHS (M1) should be put on the 'List of World Heritage in Danger' (ibid.: 10). Importantly, an inclusion of the Tower of London WHS on the List of World Heritage in Danger would have been a major embarrassment for the UK

government because it would have been the only WHS in the developed world on this list (Reuters 2007).

The UK government promptly produced a reactive monitoring report in February 2006 (DCMS 2007a). The UK report was discussed by UNESCO and it was concluded that London Plan policies were insufficient to protect the WHS (ibid.). A delegation consisting of members from UNESCO and ICOMOS was sent to London in November 2006. The delegation met with the national government officials and representatives of the GLA, the affected boroughs, as well as academics and practitioners with special expertise in London development to discuss and analyse potential threats to the setting of the Tower of London (ibid.). The outcome of this was the Report to UNESCO World Heritage Committee: Tower of London and Westminster World Heritage Sites published in January 2007 (ibid.). Five development proposals were mentioned as potential threats to central London's WHSs. Two related to the Tower of London WHS: the London Bridge Tower, which had been granted planning permission by the Secretary of State in November 2003, and the Minerva Tower, which in the meantime had been cancelled by the developer, were visible from within the Tower of London (ibid.). In addition, and most critically for ongoing planning processes, three development proposals were identified as potential threats to the setting of the Westminster WHS: the Elizabeth House Redevelopment, No.1 Blackfriars Road and the Doon Street Tower (ibid.).⁵¹ Furthermore, the forthcoming Further Alterations to the London Plan (FALP) and LVMF were mentioned as regional policy and guidance that would be subject to an EiP by the national government and, once published, would include measures for the additional protection of WHSs. Evidentially, the DCMS had made several promises to UNESCO to show that it was willing to constrain tall building development in order to avoid the danger listing of London's WHSs.

Following these official exchanges, UNESCO published a report on its mission to London in May 2007 that would eventually prove to have significant impacts on implementation processes (UNESCO 2007a). UNESCO put serious pressure on the DCMS, stating that if the view from the South Bank to the Tower of London were not protected on a statutory basis, or if a management plan protecting the immediate and wider setting of the WHS had not been produced by the 31st session of the WHC in June

⁵¹ No.1 Blackfriars Road was referred to as the 'Beetham Tower' in both the DCMS and the UNESCO reports (DCMS 2007a: 17; UNESCO 2007a: 12).

2007, then the Tower of London WHS would meet the criteria for being placed on the List of World Heritage in Danger (*ibid.*: 13, 14). In addition, the report recommended reviewing the planning applications for No.1 Blackfriars Road, Doon Street and Elizabeth House Redevelopment, because visual impacts of these projects on the WHSs had been identified (*ibid.*). These recommendations implied that the national government should call in these tall building projects.

The UNESCO report also resulted in a number of amendments to policy and guidance. As is evident in a freedom of information response from the DCMS, there was extensive communication between the DCMS, the GLA, English Heritage and CABE so as to ensure that all of the actions taken as a response to UNESCO were coordinated properly (DCMS 2007c). A management plan for the Tower of London was published in a draft form (Historic Royal Palaces 2007). Furthermore, the finalised 2007 LVMF introduced a geometrically protected townscape view towards the Tower of London (V11 in map 10). This view had been proposed in the 2005 draft LVMF but not included in the 2007 draft LVMF (GLA 2005a; 2007a). With regard to the Westminster WHS, the finalised 2007 LVMF reduced the threshold heights of the viewing corridors from Kenwood (V3 in map 10) and Primrose Hill (V6 in map 10) from 51.3 metres to 43.5 metres, thereby limiting the height of any new development in the viewing corridor (GLA 2007b).

In addition, the finalised 2007 LVMF included the statement that consultees may publish additional guidance regarding the assessment of views. English Heritage's *Seeing the History in the View* was due to be published in April 2008 to fulfil the requirement of a visual impact study of the WHSs (English Heritage 2008a). The WCC published *Metropolitan Views*, a document with which they outlined how views from within the City of Westminster outwards would be protected (WCC 2007a). The WCC proposed forty-five protected views from Westminster's borough boundaries. In effect, many of the views would have covered large areas of neighbouring boroughs, and in particular, Lambeth, Southwark and the City of London, and also Wandsworth and Camden (*ibid.*). It was established in the No.1 and 20 Blackfriars public inquiry that even the mayor's office and Deputy Mayor Simon Milton, the former head of planning at the WCC, objected to this overly ambitious document and its approach to regulating development within a range of London boroughs by the WCC.

Revisions to call-in directions were published for consultation in January 2008 (DCLG 2008b). Critically, the review included the direction that the Secretary of State would have to call in projects if English Heritage was unable to withdraw its objections (*ibid.*). Thus, English Heritage's call-in powers were increased from being able to request a call-in, which could be refused by the Secretary of State, to the power to require a call-in.⁵² In September 2007, ICOMOS UK exerted pressure on local boroughs, stressing that in its perception the townscape assessments produced on behalf of developers of the four projects mentioned above were inadequate (ICOMOS UK 2007). Furthermore, the DCMS reported that the projects that had been perceived as a threat to the Westminster WHS were being monitored closely and that the Doon Street Tower had already been called in by the Secretary of State, while No.1 Blackfriars Road and Elizabeth House were about to be called in shortly (DCMS 2008b). In July 2007, the UNESCO WHC stated that a decision on whether to put the Tower and Westminster WHSs on the List of World Heritage in Danger would not be made as it was still 'open ended whether all of the WHC Committee's requests had been met' (UNESCO 2007b: 99). David Lammy, then culture minister of the UK, commented that he welcomed UNESCO's decision not to put the Tower of London and Westminster WHSs on the list (DCMS 2007b).

Reasons for the UNESCO involvement

In interviews with private consultants, a number of interviewees argued that UNESCO was lobbied by heritage groups to get involved. Ian Lindsley from Jefferson Communications stated that London's heritage groups to some extent comprise the same people as in ICOMOS UK. As is evident in the reports referred to above, UNESCO had been aware of tall building projects with impacts on London's WHSs since 2003 (UNESCO 2003; 2004; 2005). Furthermore, Hall Moggridge is a member of ICOMOS UK's Cultural Landscapes and Historic Gardens Committee as an expert on visual assessment (ICOMOS UK 2011). Moggridge, who is the landscape architect for the Royal Parks, had produced consultation responses in relation to tall building proposals visible from St James's Park and the London Plan and the LVMF (Colvin and Moggridge 2005a; 2005b; 2001). Furthermore, Moggridge appeared on behalf of the Royal Parks at public inquiries regarding the Doon Street Tower and No.1 and 20 Blackfriars Road (PINS 2008; 2009a). Therefore, there are direct relations between

⁵² English Heritage's right to require a call-in was consolidated in 2009 based on conclusions by the DCLG (DCLG 2009c).

London's heritage groups and ICOMOS UK. However, despite these relations, there is a duty to protect WHSs which is part of the process of recognising WHSs.

According to the World Heritage Convention, each state party has the duty to conserve and protect their nation's WHSs (UNESCO 1972). Importantly, the duty to protect falls to the state party, in this case the UK national government and the DCMS in particular. When the state party accepts that UNESCO has placed a site on the WHS list, the state party agrees that threats to the WHS will be counteracted by all means available and, if necessary, with international assistance (ibid.). What exactly constitutes a threat to a WHS is not defined in greater detail; in particular, it is not defined whether a visual impact on the setting of a WHS necessarily constitutes a failure to conserve. Importantly, it is also not defined whether the visibility of any new development would automatically mean damage (ibid.). As academics have noted, UNESCO emphasises the protection of Outstanding Universal Value (OUV), and there is no doubt that the material destruction of parts of a WHS would be considered to be damage (Pendlebury and Short 2009). However, UNESCO's approach to protecting the setting of an urban WHS was further defined in a report in 2007, which lists iconic architecture and high rise development in or in the vicinity of city centres as the major threat posed to urban WHSs in western countries (Rodwell and van Oers 2007). The intention of the members attending this meeting was to regulate development beyond agreed buffer zones so as to protect a WHSs from the visual intrusion of new development (ibid.). The report cites Vienna and Cologne as examples in which development that was perceived to impact negatively on a WHS has been stopped (ibid.). Thus, the intervention of UNESCO in London was a result of the struggles by UNESCO in a number of European cities against the visual intrusion of tall buildings.

UNESCO's impact on policy

The WCC and the Historic Royal Palaces both either updated or produced management plans for the WHSs (Historic Royal Palaces 2007; WCC 2007b). However, the production of management plans for the Westminster and Tower of London WHSs did not clarify whether tall building projects proposed in northern Southwark and Lambeth are acceptable. As is shown in map 10, No.1 and 20 Blackfriars Road, the Doon Street Tower and Elizabeth House are located at distances between one and two kilometres from the WHSs. Therefore, the management plans, as one of the outcomes of the

UNESCO involvement, were not effective measures in clarifying the acceptability of these tall building proposals.

The GLA amended the LVMF, including a townscape view from City Hall, located in the London Borough of Southwark, towards the Tower of London (GLA 2007b). The Trinity Three (25 in map 10), 33-35 Commercial Road (28 in map 10) and Goodmans Fields (34 in map 10) projects were now located in the setting of this townscape view. Furthermore with regard to the Westminster WHS, the finalised 2007 LVMF reduced the threshold heights of the viewing corridors from Kenwood (V3 in map 10) and Primrose Hill (V6 in map 10) from 51.3 metres to 43.5 metres, thereby limiting the height of new development proposed in the viewing corridor (GLA 2007b). In 2009, the Black Prince Road project, 77 metres high and visible from within the Westminster WHS, was granted planning permission after an appeal procedure (PINS 2009c). Therefore, the increased protection of the Palace of Westminster by the 2007 LVMF did not produce greater clarity regarding the acceptability of No.1 Blackfriars Road and the other projects in northern Southwark and Lambeth. In addition, the FALP published by the GLA in September 2006 and endorsed by national government following the EiP in September 2007 did not result in a reduction in tall building development. Indeed, the FALP determined an Opportunity Area that included the locations of the No.1 and 20 Blackfriars Road, the Doon Street Tower and Elizabeth House projects (GLA 2006a; Shepley, Langton, Nixon 2007). Thus, the FALP encouraged tall building development there.

Another policy measure caused by the UNESCO involvement was an update of the GOTB. The finalised 2007 GOTB included three requirements that are of particular importance in relation to the protection of WHSs. These requirements are that: i) the UK government has an international obligation to protect WHSs; ii) regional and local governments have to include specific policies safeguarding WHSs in their development plans; and, iii) WHS management plans have the status of material consideration in the planning process (English Heritage and CABE 2007b). The impact of these changes can be examined by comparing the requirements with regional and local policy existing prior to the updated version of the GOTB. The finalised 2004 London Plan already included the Policy 4B.13 which stressed the protection of WHSs (GLA 2004a). The same is true for the local development frameworks of Southwark (LB Southwark 2007c). A number of tall building proposals had been called in due to their visual

impacts on WHSs but the Secretary of State granted permission following public inquiries and having had regard to the relevant material considerations (see appendix 7). In fact 20 Fenchurch Street, which is visible from within the Tower of London WHS (see image 9), was granted planning permission by the Secretary of State after the UNESCO involvement, following a public inquiry (PINS 2007; DCLG 2007b). Finally, WHS management plans have been used as material considerations in public inquiries since the Heron Tower public inquiry (PINS 2002a). On the whole, the update to the GOTB has not had much impact on emerging policy, since all of the requirements laid out had already been in use in policy and implementation processes regarding tall buildings. Instead, the emphasis on the protection of WHSs has been strengthened.

UNESCO's impact on implementation

The three projects that were mentioned in the UNESCO report of 2007, the Doon Street Tower, No.1 Blackfriars Road and Elizabeth House, were called in by the Secretary of State (PINS 2008; 2009a; 2009b). This suggests that the UNESCO influence on call-in directions caused a change regarding which projects were being called in. As noted, the Bishopsgate Tower was not called in in 2006, since English Heritage had withdrawn its request for a call-in and the Secretary of State had decided that no sufficient degree of controversy had been caused by the project (GOL 2006). However, were the call-ins justified in the cases of the Doon Street Tower, No.1 Blackfriars Road and Elizabeth House? A comparison of images 9 and 10 shows that tall buildings in the Eastern Cluster had significant visual impact on the Tower of London WHS, while 20 Blackfriars Road, which had also been called in in 2008, had a much more limited visual impact.

In the cases of No.1 and 20 Blackfriars Road, only the WCC in consultation with the LB Southwark maintained the argument that the projects still caused negative visual impact on the Westminster WHS (LB Southwark 2007b; 2008b). English Heritage had withdrawn its request for a call-in and had not mentioned visual impact on the Westminster WHS despite its objections due to visual impact on the St James's Park view (*ibid.*). In the public inquiry in 2008, the inspector concluded that only 20 Blackfriars Road had a limited visual impact on the Westminster WHS (PINS 2008). In the 2008 public inquiry regarding the Doon Street Tower, the inspector, while concluding that planning permission should be refused due to visual impacts on the courtyard of Somerset House, also concluded that, due to the very limited visibility of

the project, there was no negative impact on the Westminster WHS (PINS 2009a). Elizabeth House had been criticised by CABE with regard to the quality of architecture and urban design (PINS 2009b). The project was refused planning permission by the Secretary of State after a public inquiry due to the visual impact on the Westminster WHS and insufficiencies in the quality of its architecture (DCLG 2009b). Therefore, there were justifications for calling in the Doon Street Tower and Elizabeth House, but was this also the case for No.1 Blackfriars Road?

Due to the reduction in height from 226 metres to 170 metres, No.1 Blackfriars Road was no longer visible from the Westminster WHS, as is evident in image 10. English Heritage also did not object to the project on the grounds of visual impact on the WHS (LB Southwark 2007b). However, the WCC and the Royal Parks maintained their objections but, once the call-in had been initiated, they limited the scope of their objections to the visual impact on the townscape view from St James's Park (GOL 2008d; 2008e). Therefore, there was no justification for calling in No.1 Blackfriars Road based on visual impact on world heritage.

Pendlebury and Short (2009) argue that cities should adopt an approach to planning for a wider historic city instead of protecting tightly defined heritage assets. I would argue that this is a very dangerous approach because this would mean that the heritage groups, which are against any visibility of tall buildings from within conservation areas, would start controlling whole city centres. There is a difference here to cities such as Bath, St Petersburg or Vienna where large parts or even whole city centres are WHSs (Rodwell and van Oers 2007). In these cases, I believe that it is justified to draw a larger buffer zone around the protected areas and within this area new development should follow strict rules so that the WHS is not harmed. Thus, the setting of a WHS would remain visually dominant, but within a limited area. Pendlebury and Short fail to recognise that local heritage groups might call on UNESCO to interfere in planning processes based on their individual interests in conserving heritage assets other than a WHS. It appears that this was the case with regard to No.1 and 20 Blackfriars Road. The DCMS failed to examine whether the opponents to the project actually had a case of merit. The proposals do have visual impacts on other conservation areas but not on the Westminster WHS to a degree that would justify a call-in. The public inquiry regarding No.1 and 20 Blackfriars Road is discussed in detail in the next chapter.



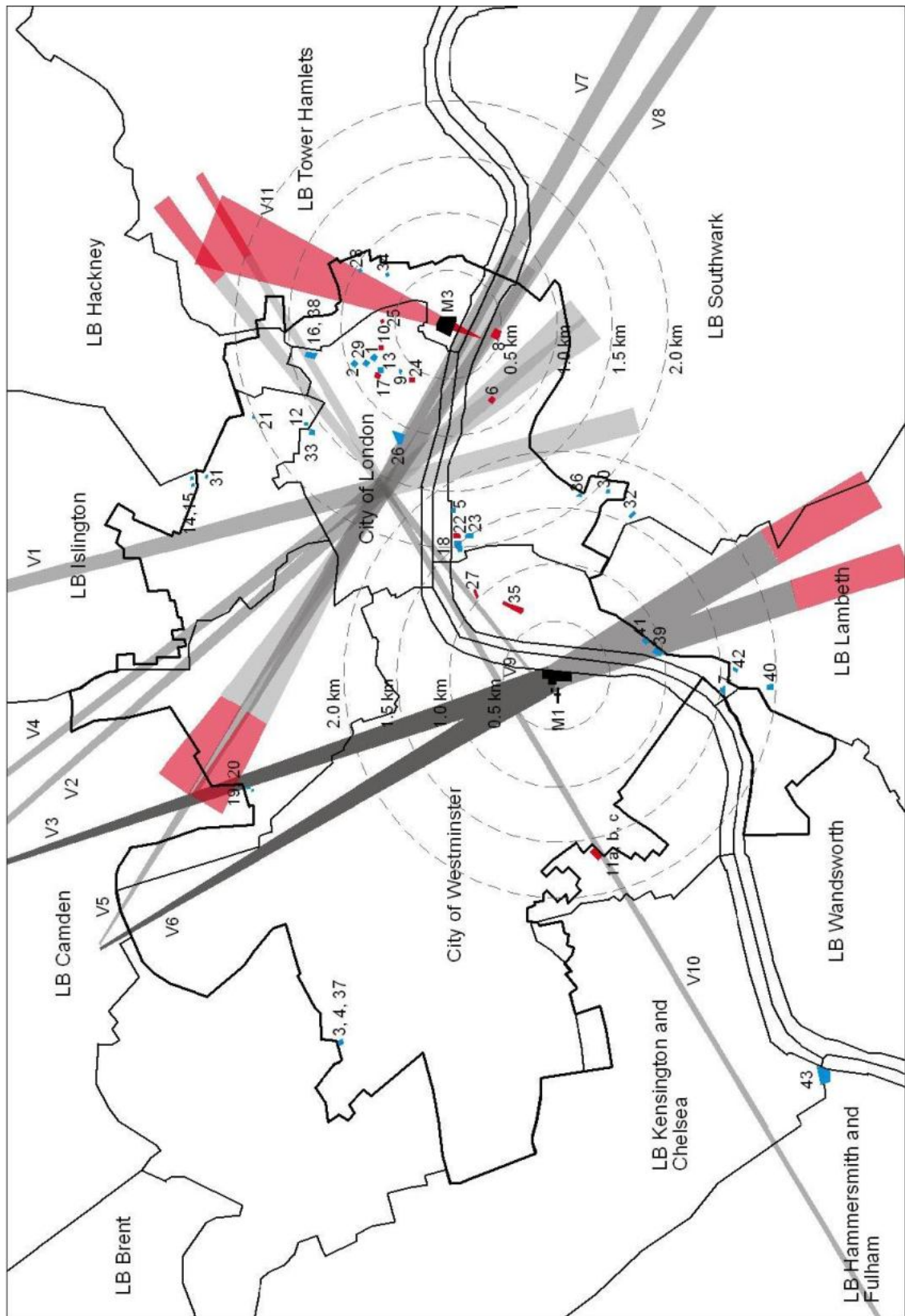
Image 9: AVR showing tall building proposals in the Eastern Cluster in the City of London visible from within the Tower of London World Heritage Site. Annotations have been inserted by the author. Source: Tavernor 2006b: 89; © Cityscape3D



Image 10: AVR showing the visibility of 20 Blackfriars Road from Parliament Square. Annotations have been inserted by the author. Source: Tavernor 2008a: 171; © Cityscape3D

Key to images 9 and 10

- | | |
|----|-----------------------|
| 1 | Bishopsgate Tower |
| 3 | 20 Blackfriars Road |
| 7 | 20 Fenchurch Street |
| 8 | 51 Lime Street |
| 9 | 122 Leadenhall Street |
| 10 | 30 St Mary Axe |
| 11 | Heron Tower |
| 12 | Minerva Tower |



Map 10: The impact of UNESCO on policy making and tall building projects. The drawing is based on a draft version of the LVMF from March 2007 (GLA 2007a) and the finalised 2007 LVMF (GLA 2007b). Source: Author

Key to map 10

View corridors amended due to the UENS CO involvement

- V3 Parliament Hill to Palace of Westminster
- V6 Primrose Hill to Palace of Westminster
- V11 Townscape view from City Hall towards the Tower of London

Monuments that are designated as within World Heritage Sites

- M1 Palace of Westminster
- M3 Tower of London

Tall building projects considered to be threats to World Heritage Sites in 2006 to 2007

(marked in red colour in the map)

- | | | |
|-------|-----------------------------------|--|
| 6 | London Bridge Tower | (consented in 2003) |
| 8 | Potter's Fields | (complete redesign) |
| 10 | Minerva Tower | (withdrawn) |
| 11a-c | Victoria Station
Redevelopment | (height lowered to avoid visual impact) |
| 17 | Bishopsgate Tower | (consented in 2005) |
| 22 | No.1 Blackfriars Road | (consented in 2009 after a public inquiry in 2008) |
| 24 | 20 Fenchurch Street | (consented in 2007 after a public inquiry) |
| 25 | Trinity Three | (stopped in 2008) |
| 27 | Doon Street Tower | (consented in 2008 after a public inquiry) |
| 35 | Elizabeth House | (refused in 2009 after a public inquiry) |

5.4 Planning committee at Southwark: LPA decision making

This section considers the processes of decision making in the planning committee at Southwark Council regarding the No.1 Blackfriars Road project. The first part of this section presents the data gained from observing the debate and negotiation processes by the parties present. Regarding the process, at the planning committee a panel of local councillors considered the merits of the proposed project (see figure 6).⁵³ The central purpose of the planning committee is to determine whether or not the proposed project should be granted planning permission based on a democratic vote. The committee is moderated by a chairperson. Initially, the policy context relevant for decision making regarding No.1 Blackfriars Road was introduced alongside the issues of concern that had been raised in the consultation process. In such a case, this introduction is based on the development control report which is submitted by the development control officer to all the parties present in the committee. The concerns by local residents are raised and addressed by the developer. This is followed by a presentation of the project, undertaken by the architect, who explains the reasons for the various design decisions in relation to the concerns. Then, councillors are given the opportunity to question the architect, and where appropriate other design team members, to ensure that all of the concerns are addressed appropriately. Councillors also question aspects of the design which they might want to see amended. The final debate then takes place regarding S106 obligations. In it, the conditions regarding the design of the project, its operation and potential financial arrangements to mitigate possible impacts are agreed between the committee and the developer. At the end of the committee stage, the councillors vote democratically on the granting of planning permission for the project.

⁵³ List of the councillors present at the planning meeting showing the wards within which they were elected and their political affiliations:

James Gurling	Chair	Newington	(Liberal Democrat)
Aubyn Graham	Councillor	Peckham Rye	(Labour)
Gordon Nardell	Councillor	The Lane	(Labour)
Althea Smith	Councillor	Nunhead	(Labour)
Robin Crookshank Hilton	Councillor	Village	(Conservative)
James Barber	Councillor	East Dulwich	(Liberal Democrat)
Helen Jardine-Brown	Councillor	South Bermondsey	(Liberal Democrat)
Adele Morris & David Noakes	Councillors (Representing the interests of the residents of the Cathedrals ward and not voting on the granting of planning permission)	Cathedrals	(Liberal Democrat)

The names of the councillors were taken from the minutes of the planning meeting (LB Southwark 2007d).

The second part of the section examines the assessment and decision making processes regarding three issues: Design (including visual impact), parking and S106 agreements. These are the matters that appeared central to the committee discussion in the above case. The focus here is on the effectiveness of the councillors in their assessment of these issues. This includes the policy considerations, the role of expert knowledge and the pressures and constraints under which councillors and the design team operate. Furthermore, the quality of the assessment outcomes and the agreements reached are examined.

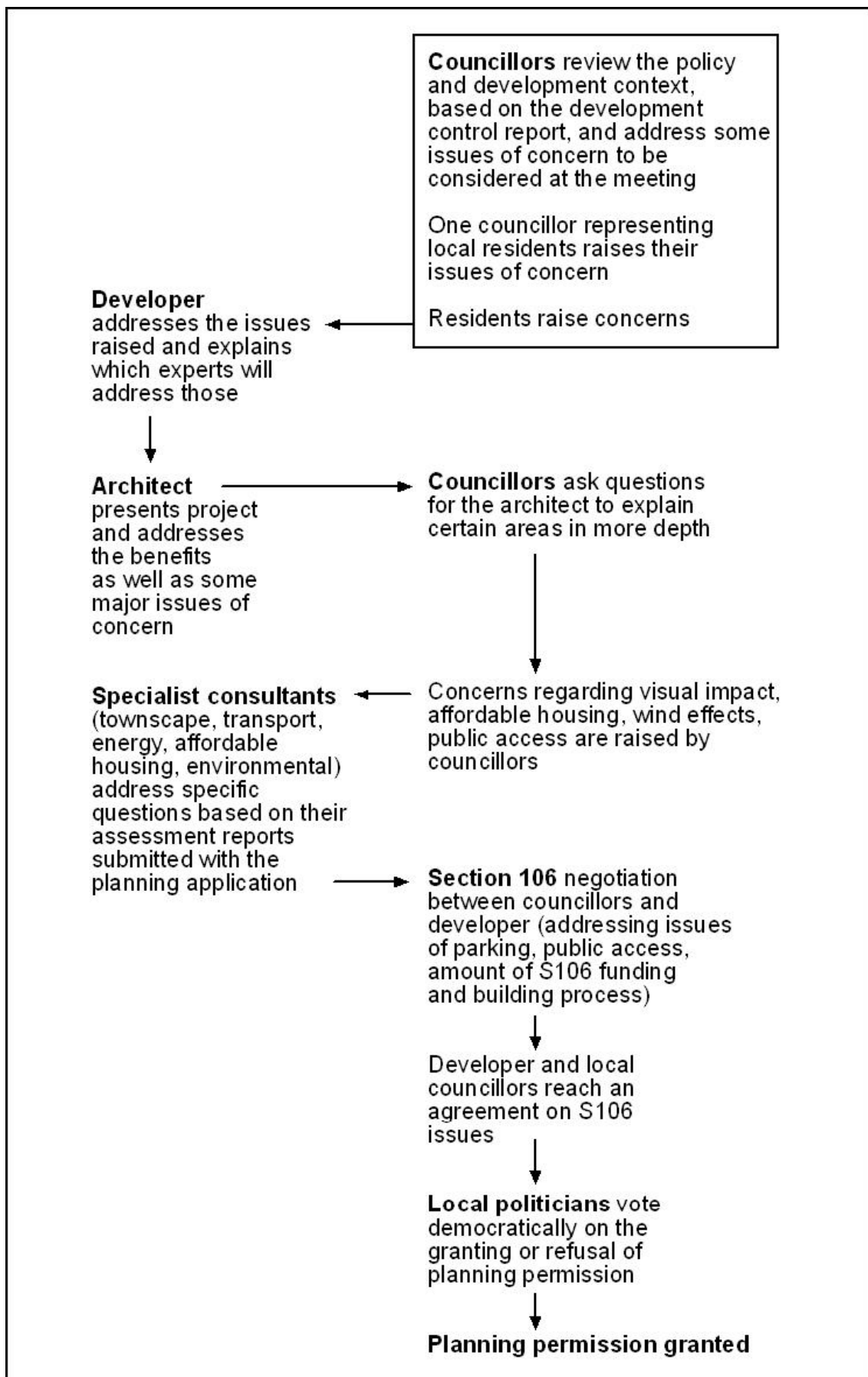


Figure 6: The planning committee process regarding No.1 Blackfriars Road

Debate and decision making at the planning meeting

The planning committee meeting took place on 24 July 2007 in Southwark town hall. At the start, the relevant planning decisions and current proposals in the immediate surroundings of the application site were listed, thereby drawing attention to the LB Southwark's planning strategy of encouraging regeneration in the Southbank area. Local residents were able to state a number of concerns which they feared might result from the development. One local resident stated that she welcomed the proposed project and the improvements this would bring to the area, but also that she was concerned that noise would arise during the construction work. Furthermore, she was concerned that a reduction in the water pressure and TV reception might result. The developer, Justin, takes the comments as fair concerns and agreed that drilling could be used to minimise noise emissions during the construction work.

The chairperson, Gurling, shifted the discussion to the topics of sustainability, such as the energy consumption of the building and recycling. The architect, Christian Male, and an energy consultant described the energy strategy for the building and how TV reception and wind issues were covered within the Section 106 agreement. The debate then shifted to aspects of the design, the details of which councillors wanted to test. Councillor Jardine-Brown asked why the amount of parking spaces proposed was higher than what was defined in the London Plan. The developer, Justin, explained that because the tall building element of the development was a mixed use building comprising a five star hotel and high end residential housing, the future tenants would expect to have this amount of parking spaces available. He remarked that a reduction in parking spaces would present a marketing problem for him but that that could be resolved. A transport consultant proceeded to explain how the technical aspects of underground parking were resolved.

The architect, Christian Male, presented the project and discussed the major design decisions regarding the tall building element as well as the plaza and lower buildings.⁵⁴ Councillor Crookshank Hilton requested more information about the conceptual nature of the design of the tower element. Male went over to the model, joined by Councillor Crookshank Hilton.⁵⁵ He explained the formal relationships of the project to the wider

⁵⁴ The topics of design and visual impact were the most crucial ones in the pre-application stage. English Heritage, the Westminster City Council and the Royal Parks had objected to the project due to visual impacts on conservation areas and LVMF views (LB Southwark 2007a; b).

⁵⁵ Appendix 22 contains photographs of context models.

context including the London Bridge Tower and how the design of the low rise buildings related to pedestrian movement in the adjoining streets and the Southbank riverfront.

The architect, Male, continued his presentation by drawing attention to details of the design thinking that had been applied to embed the building in its physical and social context and, in particular, how it positively contributed to the regeneration agenda of the LB Southwark. Councillor Nardell stepped in and asked why the tall building element was not located at the southern edge of the site so as to be further away from the River Thames, thereby having less impact on river views. The townscape consultant, Professor Tavernor, explained how the project had been designed so as to reflect quality of design issues enshrined in the London Plan and the Southwark UDP and how the proposal constituted a gateway marker to the LB Southwark from the northern side of the River Thames. He pointed out that a precedent decision for a smaller tower existed for the site and that, in his expert assessment, the design contributed positively to the London skyline. Concluding the design debate, the architect, Male, added that the tall building was located in the northern corner of the site since that allowed the large shadow to fall on the river instead of on neighbouring residential accommodation.

Councillor Barber asked why a large portion of the affordable housing was located off-site while the London Plan demanded this to be on-site. The developer, Justin, argued that the project was targeted at a very special market to create a high quality environment for likeminded people, but that nevertheless affordable housing was an important part of the project. The architect, Male, explained that the decision to put affordable housing off-site came out of consultation and assessment processes with the GLA and CABE which thought that too much built volume was placed on the site. A consultant from Affordable Housing Solutions drew attention to technical issues regarding affordable housing. He explained that locating affordable housing within a five star hotel would be unsuitable since the service charges would not be affordable for the low income tenants. The most sustainable solution he concluded was to locate the affordable component off-site.

Following the design discussion, objectors were invited to raise concerns. On behalf of other residents, it was stated that people felt that the proposed building was too tall for the local area. Councillor Crookshank Hilton stated that she perceived the visual impact

not to be as detrimental as stated by English Heritage, the Royal Parks and the WCC. Councillor Jardine-Brown stated that she was happy with the design and the affordable housing solution but that the number of parking spaces needed to be reduced. Councillor Crookshank Hilton stated that she did not agree with reducing the amount of parking. The atmosphere became tenser and it could be perceived that this was a crucial moment in the planning meeting. Despite the very controversial discussion in the planning process about the visual impact, it now seemed that the decision on granting planning permission was dependent on the details on the parking spaces.

The debate reached a peak in tension when Councillor Graham shifted the debate to the sums of money provided through Section 106. He wanted to know whether the sums of money which the LB Lambeth was requesting to mitigate visual impacts on its conservation areas would be deducted from the Section 106 money designated to be used within the LB Southwark. He asked whether the money Lambeth wanted should be added on top of what had been agreed so far. The chairperson, Gurling, stated that the issue with Lambeth would come up again and again and that that would be a separate discussion. He argued that the LB Southwark had made use of Section 106 contributions to the furthest extent possible. The design team members remained silent during this debate. Councillor Crookshank Hilton stated that she liked the project's design and she restated her conclusion that the project would bring considerable benefits to the borough, signifying the way forward for Southwark. Furthermore, she argued that the number of parking spaces should be left as proposed. The chairperson, Gurling, summarised the discussion and concluded that the final decision would have to focus on the details of the Section 106 agreement. The meeting was adjourned so that the councillors could discuss the matters raised before voting on the granting of planning permission.

When the meeting resumed, the councillors reached the conclusion that the amount of parking would be reduced from fifty to thirty-three spaces. The councillors also supported the site specific transport improvement contributions through Section 106. Furthermore, the councillors decided that public accessibility to the plaza needed to be regulated via the Section 106 agreement with the condition that the LB Southwark, as the local planning authority, had to agree every case in which the plaza was restricted from public access. The chairperson asked for the final vote on whether, following the discussion and the conclusions reached, the proposal could be granted planning

permission. All councillors with the exception of Councillor Barber voted in favour of granting planning permission.

Assessing design issues

It is surprising that, the issues of design and visual impact appeared to be matters of little controversy at the planning committee stage. The development control report referred to assessments by CABE and the GLA and pointed out that the specialised planning officers at the LB Southwark reached the same conclusion (LB Southwark 2007a). The planning officers' assessment was that No.1 Blackfriars Road was acceptable in terms of its visual impact and design (ibid.). Therefore, the credibility of the arguments in support of the project made by the architect and the townscape consultant was enhanced through the support of the assessments made by the Southwark planning officers, the CABE DRP and the GLA. The detailed presentation by the architect using models and visualisations as additional aids provided further convincing arguments substantiating the quality and thoroughness of the design and the impact assessment.

The councillors themselves were no experts on matters of visual impact and design quality. They had to rely on the expert assessments of their planning officers and on those made by CABE, the GLA and English Heritage. Compared to other issues, such as parking, design aspects cannot be assessed based on numbers. As has been demonstrated in the previous chapters, the design and visual impact can only be assessed based on interpretations of national, regional and local policy. These interpretations can only be made successfully if the assessor has in depth expertise in design issues, as has been shown in previous chapters regarding the CABE and English Heritage assessment processes. The councillors were not able to challenge these assessments since they lacked the necessary expertise. English Heritage, the WCC and the Royal Parks argued that No.1 Blackfriars Road should be refused planning permission due to visual impacts on St James's Park (ibid.). However, the councillors had to rely on the development control report and the expertise of their planning officers who concluded that the visual impacts did not justify the refusal of planning permission (ibid.). The development control report to the councillors showed that the project had been reduced in height to take into account the interests advocated by the objectors (ibid.). Therefore, it was possible for the councillors to support the granting of planning

permission since most of the relevant governmental organisations agreed with this interpretation of policy and guidance made by the Southwark's planning officers.

Negotiating the amount of parking spaces

The issue of proposed parking spaces was subject to repeated discussion and negotiation between the councillors and the developer. In legal and policy terms, the issue of parking spaces is regulated regionally through the London Plan and locally through the Southwark Plan. According to the 1990 Town and Country Planning Act, the local UDP has to be based on the regional development plan, which is the London Plan in this case, and decisions within development control have to be based on these policies (OPSI 1990a). Policies 3C.22 and 3C.23 in the 2004 London Plan define that local boroughs in their UDPs and development control functions should seek to encourage sustainable means of transport (e.g. public transport, cycling) in order to reduce congestion in town centres (GLA 2004a). Annex 4 of the London Plan specifies that no car parking spaces should be allocated for hotel use and one or less than one for residential development in town centre areas (ibid.). Policy 5.6 of the Southwark Plan (UDP) follows the London Plan, specifying that no car parking should be designated for hotel use, while residential parking in the CAZ is limited to 0.4 spaces per residential unit (LB Southwark 2007c). Therefore, the fact that the design team applied for a larger number of parking spaces—50 for the hotel, while none was specified in policies for the hotel—was a legal and a policy issue for the councillors of the panel. The councillors needed to be mindful that their decision could be challenged if any party aggrieved by their decision requested a judicial review. However, Policy 3C.23 of the London Plan encourages flexibility in decision making so that a development that is subject to a planning decision can be managed successfully when built (GLA 2004a). Accordingly, there is some leeway in the decision making by the planning committee.

In the final decision of the committee, the parking spaces for the hotel were reduced from fifty to thirty-three. Taking into account that the design team had proposed a number of 29 for residential use, which is lower than the 39 they could have applied for to be in compliance with the Southwark Plan's recommended 0.4 per unit, the development exceeded the parking provision only by thirteen parking spaces. The developer, Beetham Organization, was experienced with tall buildings that included hotel use. Beetham had developed the Holloway Circus in Birmingham and Beetham Hilton Tower in Manchester, both of which are mixed-use tall buildings that include

hotel use (Ian Simpson Architects 2008). Both of these tall buildings, completed in 2006 and 2007, were designed by Ian Simpson Architects, the architects of No.1 Blackfriars Road (ibid.).

Negotiating Section 106 obligations

The discussion of Section 106 obligations was not very long, but it could be observed that councillors, as well as design team members, became nervous when Councillor Graham brought up the issue. It was possible to observe the tense atmosphere in the town hall meeting room. Indeed, the financial contributions that had been agreed before the planning meeting were rather high, with around 8.2 million pounds designated for improvements to infrastructure and the local neighbourhood and 15.6 million pounds for affordable housing to be located off-site (LB Southwark 2007a). The LB Lambeth had stated in their consultation reply that they would object to the project, but in the event that planning permission were granted, Lambeth would demand a contribution of 160,000 pounds to mitigate negative visual impacts on conservation areas (ibid.). A full account of the planning obligations through the S106 agreement regarding both No.1 and 20 Blackfriars Road is included in appendix 10.

ODPM Circular 05/2005 regulates the use of planning obligations through Section 106 agreements (S106) (ODPM 2005b). This document defines that the S106 agreements may contain restrictions on the use or development of land and may require payments to be made to the local planning authority (ibid.). Issues discussed at planning committee, such as the requirement that the top floor viewing gallery and the public plaza must be open to the public, are therefore justifiable claims. Regarding financial contributions, the circular states that contributions with the aim of mitigating impacts of the proposed development project can be negotiated between local authorities and the developer (ibid.). Furthermore, financial contributions must be fairly and reasonably related to the proposed development (ibid.). In other words, local authorities are not allowed to demand overly large financial contributions from developers, nor are they allowed to seek contributions towards local improvements that are not directly related to the development proposal. The LB Southwark's use of S106 contributions for local infrastructure improvements was therefore fully justified. However, there was a degree of interpretation involved. Individual judgements had to be made as to how significant the impact was that was being sought to be mitigated, and how high the sum of money was that could be demanded to mitigate these negative impacts.

In an interview with me, the former Director of Regeneration at the LB Southwark, Fred Manson, argued that local boroughs are dependent on S106 contributions. In his perception, local boroughs are often afraid to ask for large contributions because they fear that then developers will not go through with their projects. This hypothesis would suggest that the LB Southwark might not have fully exploited the possibilities of S106 contributions. Furthermore, the hypothesis suggests that Southwark planners and councillors would be very mindful not to ask for S106 contributions that put the developer in a position where he has to reconsider the financial feasibility of a project. In the case of No.1 Blackfriars Road, this hypothesis does not seem plausible. On the one hand, several design team members argued in informal conversations that they perceived the S106 contributions as too high, comparing them to a sort of Robin Hood approach, taking from the rich and giving to the poor. However, it never seemed to be an option for the design team not to go forward with the project because of the amount of S106 demands by Southwark. S106 contributions had been agreed during the pre-application phase in advance of the planning meeting, as is evident in the development control report (LB Southwark 2007a). Therefore, all of these figures were no surprise to the design team or to local councillors. The LB Southwark had negotiated rather high financial contributions through Section 106.

The tense atmosphere arose when Councillor Graham questioned whether the sums agreed were final, or whether the money that Lambeth demanded in return for not objecting had to be added on top of what had been agreed already. Adrian Dennis, the case officer for No.1 Blackfriars Road, argued in an interview that the LB Lambeth was trying to get a share of the S106 contributions to finance road improvements there. While Dennis agreed that No.1 Blackfriars Road impacted on conservation areas in Lambeth, he perceived the proposed usage of S106 money to make road improvements in Lambeth to be unjustified. A better use he suggested would be improvements to the local parks which were also used by Southwark residents. The chairperson argued in the meeting that Southwark had gone as far as possible on S106 already.

In summary, the discussion on design matters and visual impact did not occur effectively at the planning committee stage. The councillors had to rely on the expertise of their planning officers and the assessments conducted by the GLA, CABE, English Heritage, as well as on those assessments prepared by the consultants of the design team. The assessment of the parking spaces resulted in a compromise that worked for

both the council and the developer. The flexibility provided by the London Plan allowed for the reduction in the parking spaces but also allowed the functionality of the hotel use to be maintained, which was crucial for the developer in terms of marketing. The recommendation outlined by the central government and in reports that local councils should seek to secure large amounts of planning gains via S106 were met (Barker 2006a; DCLG 2007a, DETR 2000b). High amounts of S106 contributions were negotiated for the LB Southwark.

5.5 Conclusions

The development of the local tall building policy by the LB Southwark has largely been a struggle to produce a policy basis for tall building projects that have already been supported by the LB Southwark, CABE and the GLA. The north-western corner of Southwark was not designated as an Opportunity Area in the final 2004 London Plan. Thus, the LB Southwark planners had to incrementally develop the basis for justifying the appropriateness of the locations for tall buildings. The fact that the tall building policy specific to these locations did not pass the local political process successfully was a major setback for the design team of No.1 Blackfriars Road and the LB Southwark planners. It created a significant amount of uncertainty. However, this was resolved successfully through a compromise agreement with English Heritage.

Pre-application discussions between the design team and the LB Southwark were rather effective. The well-informed approach of the design team, based on information provided by planning and public relations consultants, allowed them to address the relevant key issues. These early agreements with local politicians and planning officers led to a significant increase in certainty for the design team. Architects and developers incrementally build up their credibility with local planners by taking on board their suggestions. This also led to significant improvements in the overall design quality of the No.1 Blackfriars Road project.

The involvement of UNESCO in tall building planning in London has embarrassed the UK national government internationally. UNESCO is concerned about the visual impacts of tall buildings on WHSs in European cities, including London. The fact that important experts representing the interests of London's heritage groups are also part of ICOMOS UK has certainly contributed to UNESCO becoming involved. However, UNESCO has been aware of tall building proposals that visually impact on the Tower of London and Westminster WHSs since 2003. The World Heritage Convention sets out the responsibility of national governments to protect WHSs. Therefore, UNESCO became involved in tall building planning in London because it thought that the UK government was not protecting WHSs sufficiently.

The impact of the UNESCO involvement on policy has not been very large. Critically, greater certainty regarding the No.1 Blackfriars Road, Doon Street Tower and Elizabeth

House projects did not result from the UNESCO involvement. Instead, the level of uncertainty for developers increased dramatically due to the higher likelihood of a call-in and public inquiry. Management plans for WHSs were produced, but in the absence of clear geometric measures, the acceptability of the projects only remained dependent on the assessments of quangos as well as regional and local government. The protection of WHSs has been increased by amendments made to the LVMF. However, the amendments did not have an impact on the three projects challenged by UNESCO in their reports. The GOTB, while putting a stronger emphasis on the protection of WHSs, also did not produce guidance that would have provided certainty to the planning processes of the three projects.

Most critically, No.1 Blackfriars Road, the Doon Street Tower and Elizabeth House did get called in and went through lengthy public inquiry processes. While there was significant controversy regarding these three projects, it must be doubted whether there was a valid case regarding the objections to No.1 Blackfriars Road. English Heritage withdrew their request for a call-in and CABE, the GLA and the LB Southwark supported the project. The amended call-in direction explicitly states that the Secretary of State must call-in projects if English Heritage maintains its request for a call-in. Therefore, the Secretary of State should have scrutinised the validity of the case by the objectors prior to issuing a call-in.

At the planning committee stage regarding No.1 Blackfriars Road, issues of design and visual impact could not be assessed by the councillors alone. Councillors depend on the expertise of their planning officers, who in turn depend on the expertise of CABE, English Heritage and the GLA. Consequently, regarding design aspects, decisions have to be based on the assessments of quangos, regional government and local planning officers. However, the compromise agreements reached between the local councillors and the developer regarding parking and S106 obligations must be seen as positive results. Within these compromises, agreements were reached that were acceptable for both the developer and the local councillors. Furthermore, the agreements reached also strengthened the validity of the planning decision regarding No.1 Blackfriars Road. The final decision increased the compliance of the project with the London Plan policies regarding parking and the national agenda of sustainable development set out in the PPS1. Furthermore, the final decision concerning the S106 obligations was in line with the recommendation of the national government to aim to secure high amounts of

planning gains at local levels. The compromise agreements reduced uncertainty because conflicts were resolved successfully. The successful resolution of conflicts allowed planning permission to be granted.

6. Public inquiry

This chapter considers the joint public inquiry regarding the No.1 and 20 Blackfriars Road projects which took place from 9 September to 2 October 2008. I attended each day of the inquiry and, thus, large parts of this chapter are based on data gathered through participant observation. Section 1 explains the step-by-step processes that are part of a public inquiry procedure. Section 2 focuses on the space within which the public inquiry took place. The spatial layout, presentation materials and models as well as the spatial behaviour of experts and barristers are considered. The examination and cross-examination of the townscape consultant are discussed in section 3. Issues of the visual impact on the townscape view from St James's Park, protected through the LVMF, were of considerable controversy throughout the planning process for No.1 and 20 Blackfriars Road, as has been demonstrated in the chapters 3, 4 and 5. Particular attention is paid to the concept of precedence. Critically, the Doon Street Tower, which had already been granted planning permission in August 2008, was regarded as an important precedent case, in particular because this project largely obscured No.1 Blackfriars Road in the St James's Park view (DCLG 2008a).

Section 4 discusses the proof of evidence presented, and the cross-examination of the LB Southwark's planning policy expert regarding the issues of the appropriateness of the location for tall buildings. The appropriateness of the location was a highly controversial issue, in particular since a place specific tall building policy for the north-western corner of Southwark had not been established, as has been discussed in chapters 1, 3 and 4. According to the plan-led approach, the GOTB requires LPAs to establish tall building policies prior to granting planning permission (English Heritage and CABE 2007b). Finally, section 5 considers the issue of the credibility of the arguments made by opponents and proponents, comparing the No.1 and 20 Blackfriars Road case with that of the Doon Street Tower. The arguments made by the townscape consultants and English Heritage's principal witnesses in the Doon Street case are compared with the arguments made by the WCC and the Royal Parks in the No.1 and 20 Blackfriars Road public inquiry.

6.1 The public inquiry procedure explained

This section explains the step-by-step processes of a public inquiry procedure by direct reference to the joint No.1 and 20 Blackfriars Road inquiry. Legally, the public inquiry procedure is regulated via the 2000 Town and Country Planning (Inquiries Procedure) (England) Rules (referred to hereafter as the 2000 Inquiries Act) (OPSI 2000a). The public inquiry procedure can be distinguished by three phases: i) a pre-inquiry phase within which the call-in takes place, the parties prepare for the public inquiry hearing and produce proofs of evidence; ii) the actual public inquiry procedure within which an inspector from the Planning Inspectorate hears evidence presented by expert witnesses who are cross-examined by barristers; and, iii) the decision making phase which includes the report written by the inspector setting out his or her recommendation to the Secretary of State and the decision making by the Secretary of State him- or herself. Figure 7 includes a diagram summarising the three phases.

The pre-inquiry call-in and preparation phase

The pre-inquiry phase starts after the call-in letter has been sent to the LPA by the Secretary of State. In the consultation process, administered by the LB Southwark in the case of No.1 Blackfriars Road, the parties who are being consulted state whether a call-in will be requested if planning permission is granted. In the case of No.1 Blackfriars Road, English Heritage had stated up to June 2007 that it would request a call-in (LB Southwark 2007a). After a compromise agreement was reached, English Heritage no longer maintained its request for a call-in, as is evident in the development control report from December 2007 (LB Southwark 2007b). However, a call-in was requested by the Westminster City Council (WCC) and the Royal Parks. On 10 March 2008, No.1 Blackfriars Road was called in by the Secretary of State (GOL 2008a), and 20 Blackfriars Road was called in two months later (GOL 2008e). Based on Richard Carborn's parliamentary statement from 1999, the Secretary of State has to be very selective regarding the calling in of planning applications (ODPM 2005a). A planning application may be called in if, in the opinion of the Secretary of State, the planning application:

- 'may conflict with national policies on important matters;
- could have significant effects beyond their immediate locality;
- give rise to substantial regional or national controversy;
- raise significant architectural or urban design issues; or

- may involve the interests of national security, or of foreign Governments.' (Hansard, Written Answer, 16 June 1999, col.138)

In the case of No.1 Blackfriars Road, the call-in letters stated in summary that the proposed projects: i) might not conform with the London Plan due to visual impacts on the townscape view from St James's Park, protected via the LVMF, and because the location in the north-western corner of Southwark is not designated as an Opportunity Area; ii) might not conform with the GOTB because Southwark had not established a tall buildings policy for the location; and, iii) might not conform with local planning policy since the location is not specified as a tall buildings area in the Southwark UDP (GOL 2008a; e). Based on the information provided in the call-in letter, the opposing parties prepared for the public inquiry procedure.

After the call-in, the barristers are instructed by solicitors on behalf of the client (the developer) to prepare their case in conjunction with expert witnesses. Expert witnesses prepare their proofs of evidence which they need to submit at least four weeks prior to the start of the public inquiry hearing according to article 13 of the 2000 Inquiries Act (OPSI 2000a). Furthermore, a Statement of Common Ground is prepared that sets out the reasons why the parties, in this case the design teams for No.1 and Blackfriars Road and the LB Southwark, appear on the same side as set out in article 14 of the 2000 Inquiries Act. The statement must also be submitted four weeks prior to the public inquiry (ibid.). Once these documents have been submitted and distributed amongst the parties, the expert witnesses of both the proponents and the opponents of the projects have the opportunity to produce rebuttal proofs of evidence. These documents seek to provide additional proof that addresses the issues raised in the opposing proofs of evidence.

The public inquiry

The second phase is the public inquiry itself within which presentations of evidence and cross-examinations take place in front of an inspector from the Planning Inspectorate. The inquiry is inquisitorial rather than adversarial in nature (Landmark Chambers 2010b). Thus, barristers cross-examine expert witnesses after they have presented their proofs of evidence, while the inspector's role is restricted to observing the presentations and cross-examinations, and to request clarification, verbally or in written form as necessary. According to the code of conduct, the inspector must make his or her decisions and recommendations in the public interest, and he or she must be

independent from the opposing parties (PINS 2011b). Article 15 of the 2000 Inquiries Act sets out how the public inquiry process must be conducted (OPSI 2000a).

The following description is based on my observation of the No.1 and 20 Blackfriars Road public inquiry. On the first day of the inquiry, each barrister representing the cases of the opponents presented their opening statement summarising the major arguments in support of the case of the party that they represented. Over the next few weeks, each expert witness provided a presentation of their evidence when called by the representing barrister. The presentation of evidence was often accompanied by visual evidence displayed on monitors for the benefit of the inspector and public attending. Following the presentation, the witness was cross-examined by the barrister of the opposing party. In the cross-examination, the barrister attempted to discredit or weaken the expert witness's argumentative rationale so that their case lost credibility. This was followed by re-examination by the barrister who called the expert witness to aid his or her case. If necessary, the barrister attempted to re-establish the credibility of the expert witnesses' proof by aiming to discredit the counter arguments made by the opposing barrister. At the end of the hearing procedures, the barristers made their closing submissions. Throughout the inquiry, the inspector, the barristers and the witnesses were bound to follow the principles of fairness. According to the legal practice, Landmark Chambers, 'it is well settled that one of the principal concerns of a public inquiry is that it should behave fairly to all witnesses' (Landmark Chambers 2010c). Matrix 2 listing the planning inspector, the barristers and the expert witnesses appearing at the joint No.1 and 20 Blackfriars Road public inquiry is included at the end of this section. The following sections focus on the hearing.

Post-inquiry decision making

The third phase, which I call the decision making stage, takes place after the public inquiry has been concluded. In the months after the public inquiry, the planning inspector reviews the various documents submitted as evidence, focussing primarily on the major issues argued and taking into account everything that was said during the inquiry hearing. Eventually, the inspector publishes a report that includes a review of all the major arguments made by both supporting and opposing parties. The report concludes with a recommendation of whether to grant or refuse the planning permission, as is set out in article 17 of the 2000 Inquiries Act (OPSI 2000a). This report is submitted to the Secretary of State. The Secretary of State then take some

weeks or months to revisit the major issues of the inquiry. Finally, the decision is published which, at its core, states whether the Secretary of State supports the inspector's conclusions or a different conclusion has been reached. There are two overriding principles of decision making with regard to public inquiries. First, decisions must be consistent with previous decisions (PINS 2010a). Second, decisions must be made based on the merits of each individual case (ODPM 2005a). This means that relevant policy and guidance as well as other material considerations must be taken into account. According to article 18 of the 2000 Inquiries Act, the Secretary of State must notify the parties taking part in the public inquiry and every person who has appeared at the inquiry and who has asked to be notified (*ibid.*). The Secretary of State's conclusion is usually final. However, parties aggrieved by the decision made by the Secretary of State have the right to appeal to the High Court in order to get the decision quashed if it can be demonstrated that there has been some procedural or other injustice committed during the inquiry (PINS 2011c).

This section has introduced the generic phases of the public inquiry procedure. The principal purpose of this introduction has been to enable the reader to better understand the following sections. Furthermore, how the public inquiry procedure is regulated via planning law and guidance has also been introduced. No.1 Blackfriars Road was called in on 10 March 2008 and the Secretary of State published her decision on 25 March 2009 (PINS 2009a; DCLG 2009a). Thus, from the call-in to the final decision making, the whole public inquiry procedure took about one year. The rest of this chapter focuses on the actual public inquiry itself which lasted from 9 September 2008 until 2 October 2008 (PINS 2009a). The next section analyses the space in which the public inquiry hearing takes place and the spatial behaviour of barristers and witnesses. Sections three, four and five evaluate the arguments made by barristers and expert witnesses in processes of cross-examination during the hearing phase of the public inquiry.

Planning Inspectorate John L. Gray	Planning inspector
No.1 Blackfriars Road Russell Harris QC ⁵⁶ Ian Simpson Professor Robert Tavemor Alan Simmonds	Barrister, Landmark Chambers Architect, principal of Ian Simpson Architects Townscape consultant, Robert Tavemor Consultancy DP9 planning consultants
20 Blackfriars Road Christopher Katkowski QC Jim Eyre Professor Robert Tavemor Hugh Bullock	Barrister, Landmark Chambers Architect, principal of Wilkinson Eyre Architects Townscape consultant, Robert Tavemor Consultancy Partner at Gerald Eve, surveyors and property consultants
LB Southwark Timothy Comer QC Adrian Dennis Simon Bevan Michael S. Tsoukaris	Barrister, Gray's Inn Square Team Leader in the Major Applications Team in the Regeneration and Neighbourhoods Department Lead officer in preparing the Southwark Plan Group Manager, Design & Conservation Team of the Development Control section
Opponents Richard Banwell Robert Ayton Hall Moggridge Michael Ball	Barrister, Chambers of Stephen Hockman QC Westminster City Council; Head of Design and Conservation in the Central Area Team Landscape consultant for the Royal Parks Director of the Waterloo Community Development Group (WCDG)

Matrix 2: The inspector, barristers and expert witnesses at the joint No.1 and 20 Blackfriars Road public inquiry.

⁵⁶ The abbreviation QC stands for Queen's Council. A barrister may be awarded the title of QC by the Lord Chancellor (Wass 2004). Besides their duties towards a client, a barrister has a prime duty towards the court and towards upholding the English legal system (ibid). QCs 'are selected for their all-round qualities including their integrity and service to the Bench' (ibid.: 1).

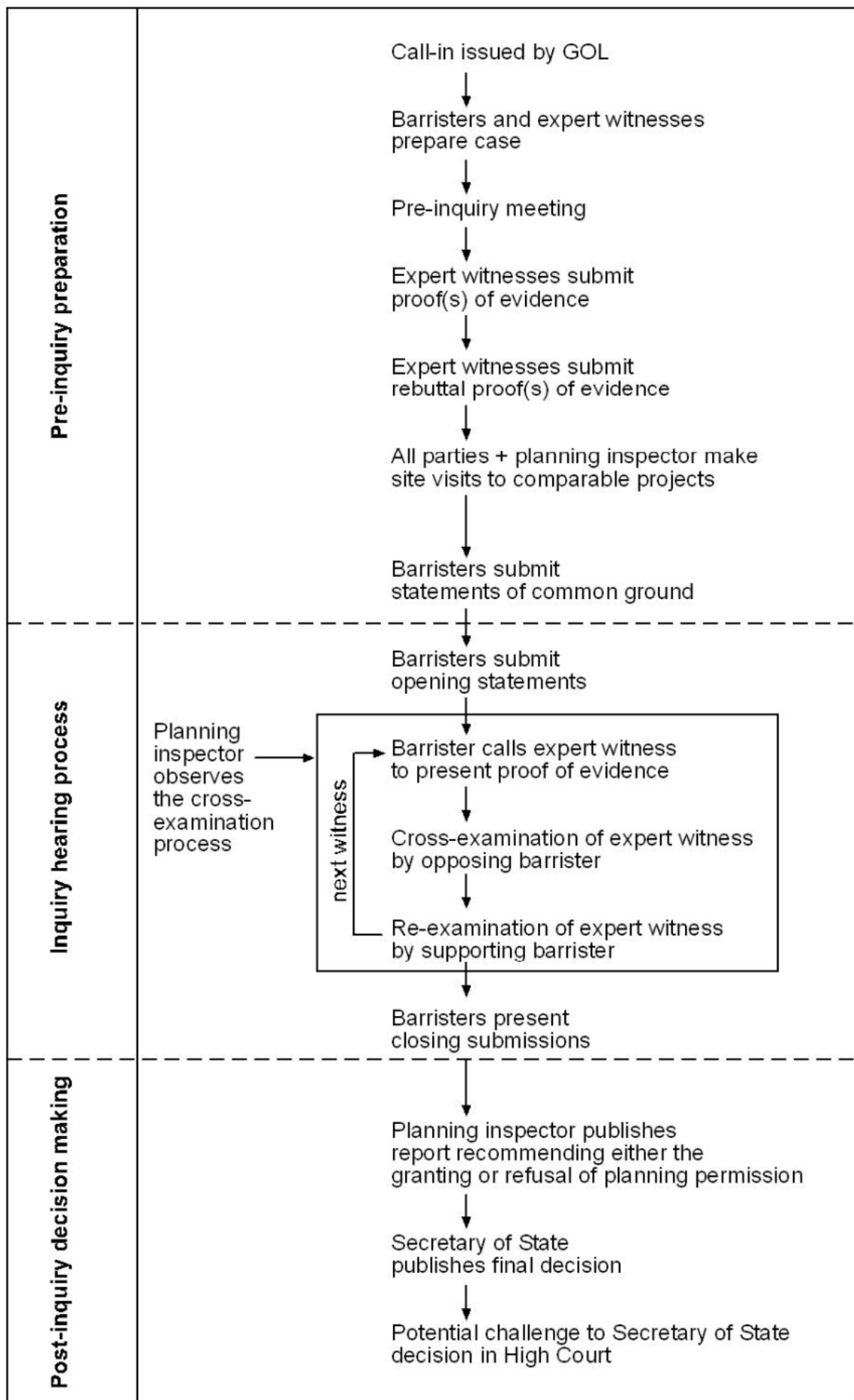


Figure 7: Diagram showing the step-by-step processes of the public inquiry procedure.

6.2 The public inquiry space

This section focuses on the design of the space within which the public inquiry was held. The spatial set-up of this case is particularly interesting because presentation materials, such as posters and physical models of the projects, were made an integral part of the inquiry space. The data analysed in this section are photographs and sketches of the space produced by the author. The sketches have been reconstructed based on memory and on the photographs taken.⁵⁷ First, the requirements of a public inquiry space are set out based on guidance provided by the Planning Inspectorate (PINS) and the Council on Tribunals. Second, the inquiry space is examined using photographs and a sketch of the space (figure 8). For the convenience of the reader, appendix 19 explains the elements of the public inquiry space. It can be used to better understand the public inquiry space in conjunction with images 11, 12, 13 and figure 8 provided at the end of this section. The Doon Street inquiry space is discussed alongside this in order to gain a comparative perspective. Finally, the section considers the relevance of presentation materials in relation to policy issues that are central to the inquiry.

The requirements of the public inquiry space

Public inquiries are subject to the highest standards of 'openness, fairness and impartiality' (Council on Tribunals 2006: 1). The actual space within which a public inquiry is held must be located and designed so as to support these requirements. Guidance regarding the requirements of the venue for a public inquiry is provided by the Planning Inspectorate. The venue must be: i) accessible, including wheelchair access through elevators; ii) located so that it is accessible via public transport; and, iii) located so that the majority of the people who might be interested can conveniently attend (PINS 2002b). The room within which the inquiry takes place must be large enough to accommodate the parties in favour and those who argue against the proposed development as well as the public (ibid.). Furthermore, a separate room must be provided for the inspector so that he or she does not come into contact with the opposing parties during inquiry breaks (ibid.). In addition, the layout of the inquiry room is also specified in generic terms, such as the locations of the opposing parties

⁵⁷ Photographs were taken in the breaks so that the inquiry process would not be disturbed by flashes and to avoid any distractions of the witnesses, the inspector and the barristers.

relative to the inspector and the public (ibid.).⁵⁸ Landmark Chambers has stated it is a primary function that at a public inquiry it is possible for the public to see how evidence is heard and determined (Landmark Chambers 2011a). All of these requirements were met by the venue for the joint No.1 and 20 Blackfriars Road public inquiry. However, the placement of presentation materials such as images, posters and physical models is not regulated to a great extent. It is only stated that displays should be visible and accessible to the public (PINS 2002b). The following discussion in this section mainly focuses on the visual impact of presentation materials at a public inquiry.

The visual presence of imagery and physical models in the inquiry space

Visual materials, such as AVRs and images used to market the project, are the key elements of proof of evidence for public inquiries regarding tall buildings. As has been shown in chapter 4, the assessments made by townscape consultants as well as those made by objectors are based on these images. Large posters, shown as thick lines in A in figure 8, are placed on partitions so that they visually create spaces between the opposing parties and the planning inspector and public spectators. Whichever direction the inspector (1) looks, he or she always sees the large posters in the background. In the case in question, large posters showing exemplary views of the projects were placed directly opposite the inspector, behind the area in which the public spectators sat (18) (see appendices 20 and 21 for more detailed images). In the background of the proponents are posters of critical AVRs, mainly the St James's Park view, a prime focus of debate at this public inquiry (see image 11). Behind the seating space of the opponents are AVRs taken from townscape assessments (see appendix 21). In addition, small computer screens are located on the desks of the inspector, the expert witnesses and the barristers. Large computer screens are located in front of the public spectators. As sketch A in figure 8 shows, AVRs that had been enlarged to poster size are arranged to create visual axes that span from the planning inspector to the public spectators and from the proponents to the opponents. Thereby, all the parties present at the public inquiry have visual access to these large images whenever they look across the room.

In three zones of the inquiry space, large numbers of physical models of No.1 and 20 Blackfriars Road are located. The models are shown as thick-lined rectangles in B in

⁵⁸ A generic diagram of the layout of the inquiry room is provided at page five of the Public Inquiry Facility Note published by the Planning Inspectorate (PINS 2002b). A comparison of this diagram with figure 8 at the end of this section shows that the inquiry room for the joint No.1 and 20 Blackfriars Road public inquiry was designed in accordance with these requirements.

figure 8. These models, which were used to aid the presentation of evidence and cross-examination, were located in the vicinity of the planning inspector (1) and expert witnesses (2, 3). The models for No.1 Blackfriars Road were stored behind the objectors (14). The models for 20 Blackfriars Road were located in a corner close to the entrance to the inquiry space (17). These storage spaces also functioned as exhibition spaces during the inquiry (see appendix 20 for photographs). Public spectators and journalists visit these exhibition spaces which the inspector, witnesses and barristers examine relation to the presentation of evidence and cross-examination. During the inquiry, models are taken from these exhibition zones to the area in front of the inspector's desk. The models allow the parties and the inspector to examine in detail the three-dimensional effects of the designs of No.1 and 20 Blackfriars Road (see appendices 20 and 22 for photographs of the models). In summary, the public inquiry space was visually dominated by posters showing AVRs and physical models.

The policy relevance of presentation materials

Posters and physical models contain important information regarding policy issues that are central to the public inquiry. First, the AVRs used in the No.1 and 20 Blackfriars Road case were different from the ones typically used in townscape assessments (see appendix 23). They were in a 4:1 (width/height) ratio instead of the normal 3:2 format. During the public inquiry, these images are termed panoramic images. This format included the periphery of the view. The visual focus was on the centre of the view, while the right and left sides were distorted so that they appeared to represent peripheral perception. The inclusion of peripheral vision in visual representations is considered a necessary component in the representation of human visual perception (Bosselman 1998). As has been discussed in chapter 3 section 3, the lack of a peripheral perception in AVRs is perceived as a critical drawback regarding the effectiveness of the QVA method of the LVMF. These panoramic AVRs were not used in the official consultation process prior to the public inquiry.

A central requirement of the 2007 LVMF is that tall buildings 'should not overpower the built form' in the St James's Park view (GLA 2007b: 230). Therefore, the panoramic AVRs could have a persuasive effect: To claim that the visual presence of the proposed buildings was not as great as argued by the opponents, and that therefore visual harm would be done to the setting of St James's Park, is an overstatement. At the same time,

the panoramic AVRs represented a creative attempt by the design team to remedy the shortcomings of the QVA method by including peripheral vision.

Posters located behind opponents and public spectators showed iconic views that represented the projects from the best angles and underscored the visual coherence of the projects acting together as a cluster (see appendix 21). The London Plan 2004 determined that new tall buildings should contribute to the visual coherence of London's townscape by generating overarching clusters of tall buildings (GLA 2004a). The 2007 LVMF requires the consolidation of existing and new clusters of tall buildings where these 'enhance the composition of the cluster' (GLA 2007b: 35). The GOTB demands that tall building projects be considered from all directions and applicants have to demonstrate that the proposed development has a positive relationship with topographical features and other tall buildings (English Heritage and CABE 2007b). Therefore, the GOTB requires 360-degree views of the project. In addition, iconic views of the project have persuasive effects that aim to convince a viewer that a coherent cluster has been created and that therefore central policy and guidance requirements are met by the proposed development.

Furthermore with regard to the iconic images, central policy criteria of the 2004 London Plan and the 2007 GOTB are that tall building projects must contribute positively to their surroundings at street level (GLA 2004a; English Heritage and CABE 2007b). The central national planning policy PPS1 sets out the principles for urban design (ODPM 2005c). A development has to be integrated into the existing urban form and allow for accessible public spaces (*ibid.*). Models and drawings provide explanations regarding how the design of the projects meets these requirements. The exhibition zones are then used to allow everybody attending the inquiry to see how much effort has been put into improving the project between the various application steps to meet these central policy criteria regarding urban design so as to improve the local context.

In the case of the Doon Street Tower public inquiry, there was insufficient space for exhibiting much of their presentation material. As can be seen on photograph 13, a contextual model was located in the space between the inspector and the opposing parties and a few AVRs were placed behind the proponents of the project. However, the most dominant visual aspect was the brown wooden benches and interior wall finishes.

Due to a lack of space, most of the documents had to be stored in spaces outside of the inquiry space. The visual focus was on the witnesses, barristers and the inspector.

During the No.1 and 20 Blackfriars Road inquiry, the WCC, the Royal Parks and the Waterloo Community Development Group (WCDG) sought to use their own presentation materials. Both the WCC and the Royal Parks provided images that were taken from the AVRs produced by the townscape consultant. They amended these images drawing attention to potentially negative visual effects in order to aid their case (see appendix 24). However, the images were dismissed as evidence since it was established by townscape consultants and barristers that they were geometrically incorrect and had been manipulated in a way that did not resemble the visual appearance of the projects in a manner as set out in the LVMF methods section. Furthermore, the WCDG brought a map and statistical data in order to draw attention to potential impacts of gentrification by the projects on the Waterloo area. These materials did not have an effect on the inquiry since gentrification was not one of the policy issues being examined. The critical policy issues were the visual impacts on the St James's Park view and the Westminster WHS, as well as the quality of architecture and urban design and the appropriateness of the location for tall buildings (PINS 2009a). The objectors to the projects were disadvantaged in the sense that they were not able financially, in addition to a lack of time, to produce posters and physical models that they could use to underscore the merits of their case. Likewise, the objectors did not have the financial means to hire experts to produce presentation materials that could potentially be used to aid their case.

In summary, it has been demonstrated that the space within which the No.1 and 20 Blackfriars Road public inquiry was held was dominated visually by presentation materials such as posters and physical models. Furthermore, it has been demonstrated that the content of posters aided arguments in favour of the projects in question. The central question therefore is whether the space conformed to the regulations provided by the Council on Tribunals. Decisions in tribunals such as public inquiries must not be influenced by resources or other external considerations and be held in an appropriate hearing accommodation not connected with one or the other of the parties (Council on Tribunals 1997). While posters can have persuasive effects, a planning inspector is used to these effects based on his or her experience. Inspector Gray had also led the public inquiry into the London Bridge Tower in 2003 (PINS 2003). Furthermore, an inspector

must make decisions consistent with previous decisions and must base his or her reasoning on the merits of the case presented (PINS 2010a; ODPM 2005a). In the event that a departure from these central requirements can be proven, then the objectors can potentially succeed with a challenge to the decision through a Judicial Review in the High Court. Throughout the inquiry, I observed the inspector and concluded that he had regard for the merits of the case presented throughout. He did not show any signs of being influenced by potentially persuasive materials. However, it should be questioned whether the design of inquiry spaces could be regulated to a greater degree by limiting, for example, the visual presence of presentation materials so that potentially persuasive effects are minimised.



Image 11: Photograph of the advocates for No.1 and 20 Blackfriars Road. The photograph was taken from the public spectators' seating area (18 towards 4, 5, 6 in figure 8). Source: Author



Image 12: Photograph of the opponents for No.1 and 20 Blackfriars Road. The photograph was taken from the public spectators' seating area (18 towards 9, 10, 11 in figure 8). Source: Author



Image 13: Photograph of the Doon Street Tower public inquiry space. Source: Author

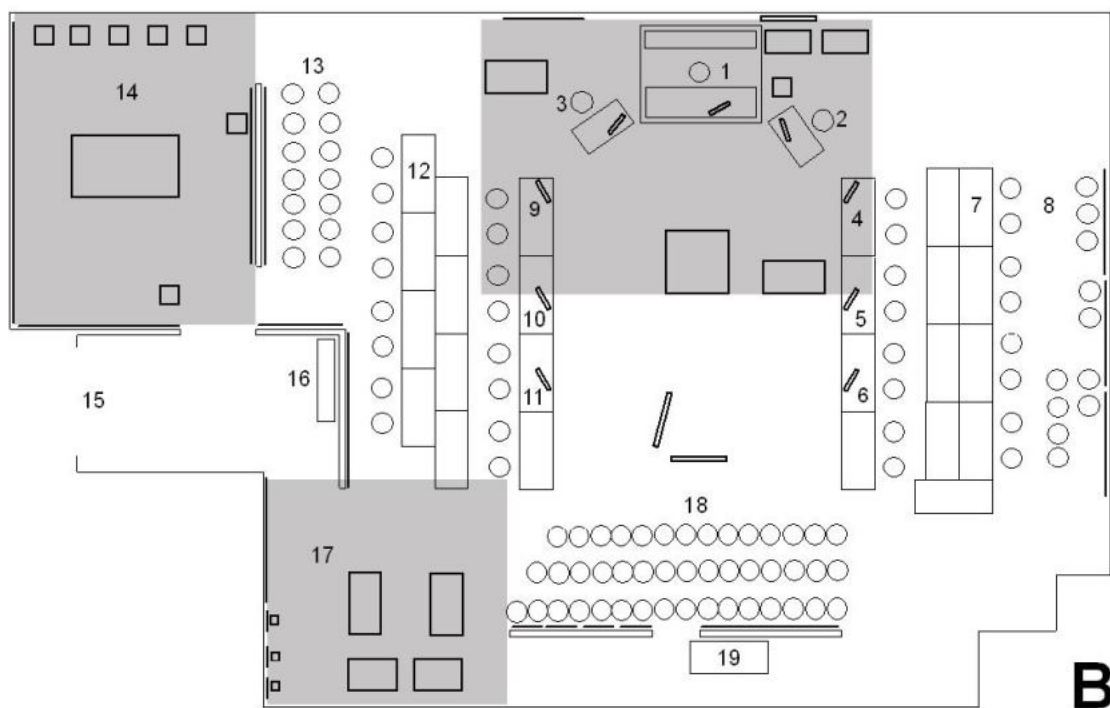
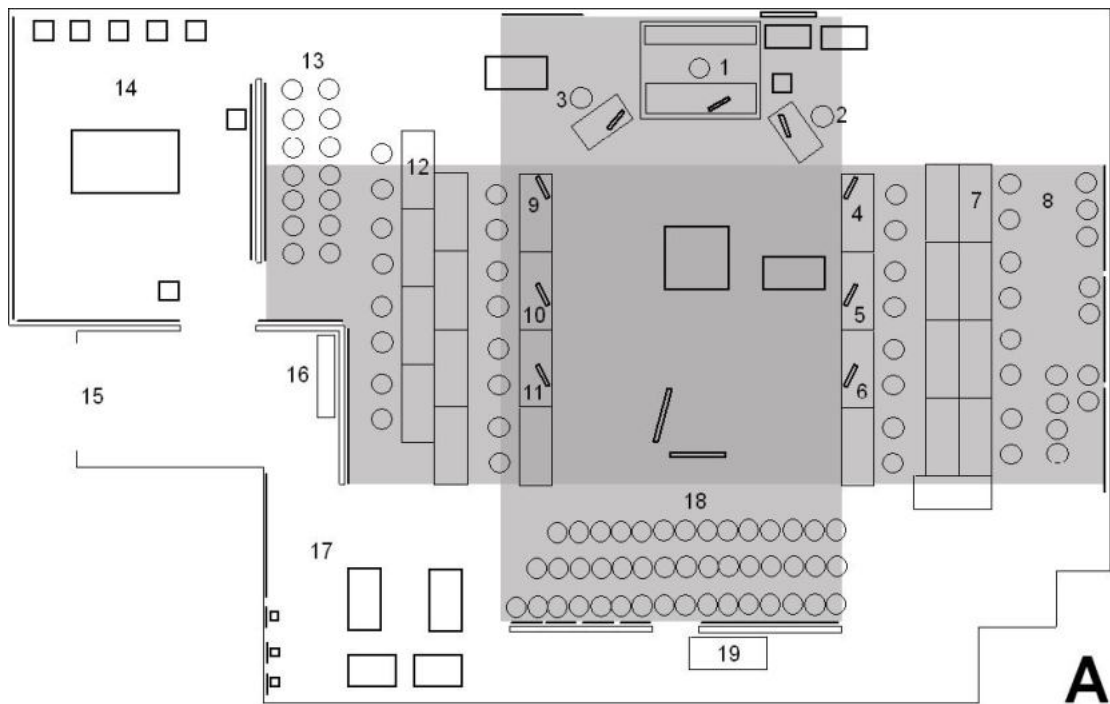


Figure 8: Sketches of the hearing space for the No.1 and 20 Blackfriars Road public inquiry.

The spatial layout has been reconstructed based on photographs and notes from the fieldwork process.

Bold large rectangles represent physical models; bold small rectangles represent screens; bold lines represent large posters containing images of No.1 and 20 Blackfriars Road. Appendix 19 provides a key to all the numbers used in this image. Source: Author

6.3 Precedence and quality of architecture in visual assessments

This section considers the examination of the visual impact of No.1 Blackfriars Road on the St James's Park to Horse Guards Road townscape view. This view is protected by the LVMF (GLA 2007b). In the public inquiry, the visual impact on the St James's Park view was one of the most crucial issues (PINS 2009b). As has been demonstrated in the previous chapters, there was significant controversy because the Westminster City Council (WCC) and the Royal Parks maintained that the project should not be granted planning permission due to the project's visual impacts. The first part of the section traces the presentation of the proof of evidence by the townscape consultant, Professor Robert Tavernor, and the arguments developed by the barrister, Russell Harris QC. To a large extent, the data presented were accessed through observation of the inquiry process.

The second part of the section examines the weight given to the precedent decision regarding Doon Street Tower at the No.1 and 20 Blackfriars Road inquiry. The principles of the planning system for considering precedent decisions are examined. In relation to this, the impact of assessments made by the GLA, CABE and English Heritage regarding the quality of architecture is discussed. Quality of architecture is important in a visual assessment because, according to the LVMF, only projects of the highest quality are acceptable in the backgrounds of protected views (GLA 2007b). Finally, it is established how precedent cases permitted the conclusion that No.1 Blackfriars Road will not overpower the St James's Park view.

The examination of the visual impact of No.1 Blackfriars Road on St James's Park

In his opening statement, the barrister, Harris QC, argued on behalf of Beetham Landmark Ltd that due to the high quality of design and the policy context, and in particular that of the LVMF, No.1 Blackfriars Road was acceptable and should be granted planning permission (Harris and Cameron 2008a). Harris stated that if the Doon Street decision was taken into account, then the Royal Parks' argument that the proposed project would harm the view from St James's Park could not be upheld (*ibid.*). Opening on behalf of the Westminster City Council and the Royal Parks, the barrister, Banwell, argued that, while recognising that the Doon Street decision was a material consideration, it was likely to be challenged in the High Court (Banwell 2008a).

Therefore, Banwell sought to weaken the weight given to the precedent set by the Doon Street decision. The Doon Street Tower had been granted planning permission by the Secretary of State following a public inquiry in August 2008 (PINS 2008). The opening statements of the barristers representing the opposing parties showed that the precedent decision on the Doon Street Tower was of significant importance for the forthcoming public inquiry.

The examination of Professor Tavernor started by establishing the relevant policy context and the weight of the Doon Street decision as a material consideration. Tavernor was the main witness for Beetham Landmark Ltd regarding the visual impact and was the townscape consultant for the No.1 Blackfriars Road project. The barrister, Harris, asked Tavernor to evaluate how much weight should be given to the LVMF in decision making processes. Professor Tavernor answered, full weight. Harris quoted the 2007 LVMF, determining that if further development were proposed, it had to be of appropriate form, of exceptional design quality and it must be ensured that the project did not dominate or overpower the view. Harris then asked Tavernor to state which approach should be taken in visual assessments. Tavernor answered, the same as in the LVMF. Continuing this examination, Harris asked which approach was taken by the Secretary of State in the Doon Street case. Tavernor answered, the same approach. Finally, Harris asked Tavernor to determine which criteria for assessment were contained in the management plan for the St James's Park view. Tavernor answered that the issue of quality was important when buildings are visible in the background, and that if they did not overpower the view they should be acceptable. Harris concluded that there was no defined height threshold contained in the LVMF concerning the St James's Park view.

Regarding the visual impact of No.1 Blackfriars Road on the St James's Park view, Harris asked the parties to take in hand appendix 2 of the rebuttal proof of evidence by Professor Tavernor (see images 14 and 15 in relation to this discussion). Professor Tavernor stated that in the image, No.1 Blackfriars Road, did not overpower the view. He made a comparison of the height that appeared in the view between No.1 Blackfriars Road and the consented Bishopsgate Tower and concluded that the two projects appeared to be of similar height in the view. Therefore, he reasoned, it could not be concluded that No.1 Blackfriars Road overpowered the view. Harris then asked Tavernor to assess the visual impact of the façade materials of No.1 Blackfriars Road.

Tavernor argued that Portland stone, which had been used as the dominant façade material in the existing buildings, reflected sunlight to a greater extent than the glass-façades of No.1 Blackfriars Road located a considerable distance away. The glass-façades, he argued, did not catch the eye as much and therefore these provided for an appropriate contrast between new and old. Harris then asked Tavernor to include the precedent of Doon Street in his assessment. Tavernor stated that if the Doon Street project were built, then only a slither of No.1 Blackfriars Road would be visible. The aspect of the layering of built elements would then be the predominant aspect visually. Therefore, he argued, taking into account the Doon Street decision, it would be inconsistent if the Secretary of State were not to grant planning permission for No.1 Blackfriars Road.

Later in the inquiry process Robert Ayton argued on behalf of Westminster City Council (WCC) that if the Doon Street Tower were built, then it would be hard to argue that No.1 Blackfriars Road had a negative impact (Ayton 2008). The case of whether the Doon Street decision was taken as a precedent would therefore be limited to the visual impact of 20 Blackfriars Road. Ayton pointed out that if these projects and the projects of Bishopsgate Tower, King's Reach and Doon Street are built, a wall of tall buildings would start appearing in the background of the St James's Park view (see images 14 and 15) (ibid.). The barrister, Harris, discredited Ayton's reasoning by establishing that Ayton had not taken into account the precedent cases visible in the St James's Park view. Therefore, Harris argued, Ayton was not applying the LVMF methods in the appropriate manner. Similarly, Harris recited arguments made by Hall Moggridge opposed the Doon Street Tower. Harris concluded by stating that Moggridge's arguments were not contained in the 2007 LVMF. Harris proceeded to state that the Secretary of State had granted planning permission to Doon Street and that given this decision and that Doon Street appeared much more dominant and still concealed most of No.1 Blackfriars Road, one could not argue that No.1 Blackfriars Road was unacceptable. Moggridge insisted that No.1 Blackfriars Road in combination with the other consented projects would cumulatively overpower the view (Moggridge 2008). Harris concluded by stating that even if the Secretary of State took Mr Ayton's approach, there would be no part of the case left against No.1 Blackfriars Road. This had been established since even if the small slither visible of No.1 Blackfriars Road (see images 14 and 15) would have been regarded as harmful, it could not possibly be

argued that it alone overpowers the view due to the visibility of the precedent cases, in particular the Doon Street Tower which largely concealed No.1.

The planning inspector concluded in his report that the Doon Street decision along with other decisions had to be taken as valid and lawful with regard to this case because there is the principle that it is in the public interest that planning decisions should be consistent with other relevant decisions (PINS 2009a). Furthermore, the inspector reasoned that the approach taken by the WCC that the skyline of St James's Park should remain unaltered was too restrictive (ibid.). The Shell Building and the London Eye were described as the most dominant elements in the background of the view (ibid.). Based on the facts that a number of tall buildings had been granted permission and that No.1 Blackfriars Road would be concealed by the Doon Street Tower, the inspector concluded that No.1 Blackfriars Road would not have a harmful effect on the protected St James's Park view. The Secretary of State took the same approach and recommended granting the planning permission (DCLG 2009a). As is evident from this discussion, precedent decisions and the visibility of precedent cases are eminent in the assessment and decision making.

The weight of precedent decisions in assessing the visual impact

With regard to precedent decisions, the most important case was that of the Doon Street Tower which had been granted planning permission by Secretary of State Hazel Blears on 19 August 2008 (DCLG 2008a). According to guidance published by the Planning Inspectorate, the Secretary of State is required to take an approach in decision making that is consistent with previous decisions (PINS 2010a). As is stated in *The Planning System: General Principles*, 'Material considerations must be genuine planning considerations, i.e. they must be related to the development and use of land in the public interest' (ODPM 2005a: paragraph 11). Considered in conjunction, these two principles mean that the case in question in the public inquiry here had to be decided by taking the same approach to decision making as has been taken in the previous case (i.e. in the case that established the precedent). Thus, since the public inquiry regarding No.1 and 20 Blackfriars Road started on 9 September 2008, after the Doon Street decision had been published, the Doon Street decision had to be regarded as a material consideration.

The issues of the quality of architectural and urban design were straightforward matters in the inquiry. The GLA, CABE and English Heritage had already concluded in the

assessment processes that No.1 Blackfriars Road was of very high quality (GLA 2008a; CABE 2007f; English Heritage 2008b). These assessment results had been achieved by a series of amendments to the design made by Ian Simpson Architects. In relation to this, the management plan for the St James's Park view contained in the final 2007 LVMF includes the reasoning that proposals are acceptable if these are of exceptional quality and do not overpower the view (GLA 2007b). The assessments by the GLA, CABE and English Heritage had established that the proposal was of the highest design quality. Therefore, the only possible avenue left open for an objection by opponents was to attempt to prove that No.1 Blackfriars Road would contribute to overpowering the St James's Park view.

In relation to the aspect of overpowering, particular attention had to be paid to the visibility of precedent cases. As is evident in image 14, the Bishopsgate Tower (1) was of a similar height to that of No.1 Blackfriars Road (2) in the St James's Park view. Furthermore, as is evident in image 15, the Doon Street Tower (5) was located in front of No.1 Blackfriars Road and indeed largely obscured No.1. Using the assessment method advocated by the LVMF, No.1 Blackfriars Road would have had to be visible to a greater extent than the other consented projects in order to overpower the view. Based on these considerations, the barrister, Harris, and the witness, Tavernor, demonstrated convincingly that the accusation of overpowering was not valid. In addition, they also weakened the weight of the evidence presented by Moggridge and Ayton by establishing that the two had not applied the LVMF in the appropriate manner, and inspector, Gray agreed (PINS 2009a).

In summary, the precedent principle was applied in coherence with the decision making principles determined by guidance from the Planning Inspectorate. Inspector Gray's assessment included the Doon Street Tower decision based on the facts that: i) the cases were similar with respect to the applicability of policy and guidance, and the LVMF in particular; and, ii) both cases appeared in almost the same location in the view from St James's Park, another aspect of case similarity. Due to the applicability of the consistency principle and the weight given to the Doon Street Tower decision as a material consideration, the inspector, Gray, appropriately concluded that the visual impact of No.1 Blackfriars Road on the St James's Park view could not be regarded as a sufficient reason for recommending refusal to grant planning permission (PINS 2009a).



Image 14: AVR showing the townscape view from the Blue Bridge in St James's Park towards Horse Guards, including consented schemes and the projects subject to the public inquiry.

Source: Tavernor 2008c: 6; © Hayes Davidson; The original image (contained in Appendix 23) has been cropped.

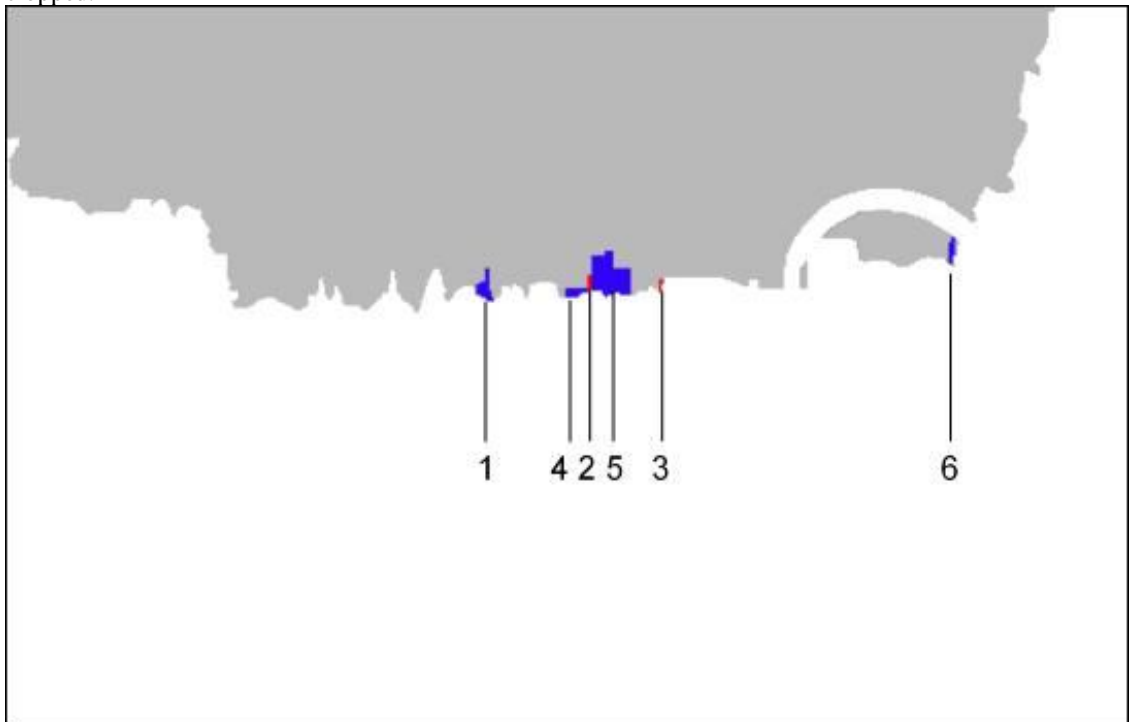


Image 15: Analytical drawing foregrounding the consented schemes and the proposed No.1 and 20 Blackfriars Road projects. In particular, this image shows that due to the visual presence of the consented schemes, No.1 and 20 Blackfriars Road are hardly visible in the view.

Source: Author, based on the image contained in Tavernor 2008c: 6

Key to images 14 and 15

1	Bishopsgate Tower	blue
2	No.1 Blackfriars Road	red
3	20 Blackfriars Road	red
4	King's Reach Tower Redevelopment	blue
5	Doon Street Tower	blue
6	London Bridge Tower	blue

6.4 The appropriateness of the location for tall building development

This section examines how the appropriateness of the proposed site of the No.1 Blackfriars Road project was determined in the public inquiry process. The call-in letter from March 2008 stated that one of the major issues to be determined at the inquiry should be the appropriateness of the location for a tall building (GOL 2008d). The Westminster City Council (WCC) and the Royal Parks had argued that the LB Southwark might not have followed a plan-led approach in its decision making. According to the 1990 Town and Country Planning Act, decisions made at local level must be based on national, regional and local policy (ODPM 2005a). The Guidance on Tall Buildings (GOTB) requires that local boroughs designate areas suitable for tall buildings within their local development plan (English Heritage and CABE 2007b). Therefore, the proponents of No.1 and 20 Blackfriars Road had to establish proof that regional and local policy permitted a coherent decision to be made regarding the granting of planning permission.

The first part of the section traces the presentation of proof of evidence by the LB Southwark policy officer, Simon Bevan, and his cross-examination by Richard Banwell, the barrister representing the WCC and the Royal Parks. Furthermore the re-examination of Bevan by the barrister, Timothy Corner QC, is considered. I accessed the data in this part by observing the public inquiry. The second part of the section examines the policy background and the policy making processes related to the appropriateness of the location of No.1 Blackfriars Road. It is established why the arguments made by the barrister, Corner, and the witness, Bevan, were particularly effective in proving that a plan-led approach had been followed by the LB Southwark.

Proof by and cross-examination of the LB Southwark officer, Simon Bevan

After lunch on day five of the inquiry, the barrister, Timothy Corner QC, called Simon Bevan as the policy witness for the London Borough of Southwark. Bevan was the lead officer regarding the policy making process for Southwark's UDP. Bevan's proof of evidence focussed in particular on the policy criteria for the designation of tall building areas established in the 2004 London Plan and the 2003 and 2007 Guidance on Tall Buildings (GOTB). Furthermore, Bevan discussed the Further Alterations to the London

Plan (FALP) and pointed out that the Southwark Council objected to the designation of the Bankside Opportunity Area which included Blackfriars Bridge (see map 11).

Bevan proceeded to examine the 2007 Southwark UDP, the Southwark Plan, which was amended following the recommendations of the inspectors at the EiP process. As a rationale for the failure to produce a tall buildings policy specific to the Blackfriars area, Bevan explained that council members supported the emerging policy in 2006 but then objected to it in 2007. He concluded his proof of evidence by pointing out that the latest Southwark UDP followed GOTB criteria and that it contained policy that allowed for the identification of tall building locations. Furthermore, Bevan drew attention to the fact that English Heritage had agreed that Southwark had followed a plan-led approach in determining the granting of planning permission for No.1 and 20 Blackfriars Road. Importantly, he pointed out that the objection by council members was limited to procedural grounds. The planning inspector mentioned that he concluded from Bevan's presentation that the LB Southwark would define the same boundaries for the tall buildings area as had been proposed in the FALP.

Following the presentation by Mr Bevan, the barrister, Richard Banwell, on behalf of the WCC and the Royal Parks, began his cross-examination. Banwell reviewed Bevan's written proof of evidence in relation to the plan-led approach advocated by the GOTB. In his written evidence, Bevan had stated that the LB Southwark had stressed that the GOTB was not prescriptive but informative towards policy making (Bevan 2008) and that this was stated in the GOTB (English Heritage and CABE 2007b). Banwell, seeking to establish that the LB Southwark might not have had sufficient regard for the GOTB, argued that paragraphs 2.5 and 2.6 of the 2007 GOTB talked about the production of maps that defined tall building areas. Bevan stated that a precise map had not been produced by the LB Southwark.

Banwell then proceeded to examine the progression of tall building policy by the LB Southwark. He stressed that the GLA had objected to the November 2002 version of the Southwark UDP. The conclusion of the EiP process had been that the Blackfriars area was not located within an Opportunity Area. Furthermore, Banwell stressed that the draft tall building policy produced by the Southwark planners had been withdrawn in 2007 and was asked whether this document included maps defining the Blackfriars area as a tall building area. Bevan stated that there were various diagrams contained in the

draft SPG. Banwell then stated that the 2004 London Plan did not include an identification of areas that could be harmed by tall buildings and concluded that there was not the level of detail contained in it to allow the identification of areas suitable for tall buildings. Bevan argued that the 2004 London Plan identified points of transport accessibility at which tall buildings were generally perceived as suitably located. Mr Ball asked Bevan to further define the concept of transport nodes. Bevan stated that three main stations were within a short distance of the locations of No.1 and 20 Blackfriars Road.

Following cross-examination, the barrister, Timothy Corner QC, re-examined his witness, Simon Bevan. Corner asked Bevan to make a comparison between the approach to identifying appropriate locations for tall buildings taken in his proof and the proof of evidence by Mr Ayton from the Westminster City Council. Corner established that the WCC did not object to tall buildings in principle and that a reduction in height of the projects proposed to 120 metres would still constitute tall buildings. He concluded that there was no disagreement in the approach between the LB Southwark and the WCC regarding what constituted an appropriate location for a tall building. Corner then cited a paragraph from the written representation submitted by English Heritage. This document stated that by the time its representations to this public inquiry had been written, English Heritage did consider that the LB Southwark had followed a plan-led approach (English Heritage 2008b). Corner then established that CABE had also not objected to the draft SPG on tall buildings by the LB Southwark in November 2005 (LB Southwark 2005b). Corner finally asked Bevan whether the mayor and the GLA objected to the Southwark UDP because the LB Southwark had not produced maps defining tall building areas. Bevan said that that was not the case.

In the final report, the planning inspector reasoned that a plan-led approach as demanded by the GOTB had been followed (PINS 2009a). The London Plan Policy 4B.9 was crucial for his assessment, which states that tall buildings must be located so that they create attractive landmarks, and that these are particularly appropriate if located in Opportunity Areas (GLA 2004a). The fact that the 2006 FALP had designated an Opportunity Area that included the location of the proposed developments was an additional aspect that weakened any doubt over the appropriateness of the location for tall buildings (GLA 2006a). Map 11 shows the London Bridge Bankside Opportunity Area relative to the proposed tall building

projects and the St James's Park view. Furthermore, the inspector concluded that the criteria of the 2007 Southwark UDP had been met (PINS 2009a). These criteria were that tall buildings: i) must have excellent access to transport facilities; ii) must not be located within protected view corridors; and, iii) must, through their location, contribute to an interesting skyline (ibid.).

The effectiveness of the decision making regarding the appropriateness of the location

The issue that there was no specific tall building policy for the north-western part of Southwark Blackfriars Bridge was described as the biggest problem for the planning process by several design team members of No.1 Blackfriars Road in interviews with me in late 2007. It was therefore no surprise to me that the original call-in letter from March 2008 focussed heavily on this aspect (GOL 2008d). Thus, it was all the more surprising to learn that by the start of the public inquiry, the WCC had withdrawn the original claim made and now focussed only on the visual impact of the proposed projects on the townscape view from St James's Park as shown in map 11. The following discussion examines why the matter of the appropriateness of the location for No.1 Blackfriars Road led to a rather straightforward decision by the planning inspector although it had been a highly problematic issue during the preceding planning process.

The reasoning provided by the LB Southwark planning officer, Bevan, in the presentation of proof and the cross-examination was largely based on the policy making processes that had been geared towards establishing a tall buildings policy for the Blackfriars area. Taking into account the central requirement posited by the GOTB of following the plan-led approach, the argument that the FALP had established an Opportunity Area that included Blackfriars was particularly strong. According to the plan-led approach, local policy has to be based on regional policy (ODPM 2005a). Since the London Plan had designated an Opportunity Area, the local development plan had to do the same. The GLA had already objected to the Southwark Plan in 2002. Because of this and in order to strengthen the argument, Bevan had to demonstrate that the GLA had not objected because no maps were drawn, so that any doubt that the GOTB had been followed could be removed.

In fact, the GLA had objected to the tall building policies of the forthcoming Southwark Plan because it perceived those to be too restrictive to tall building development (Hollox

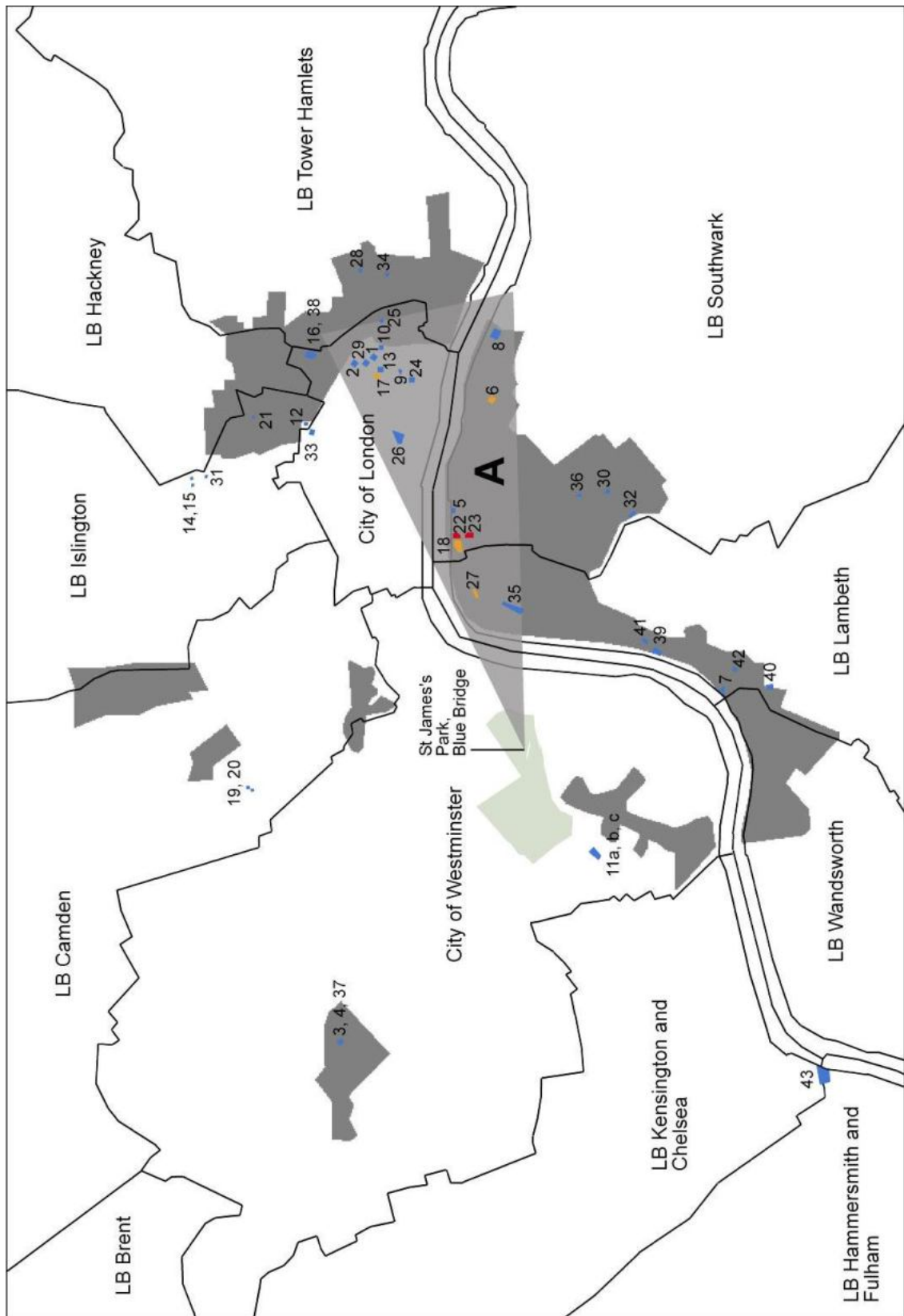
and Mattocks 2006a). Based on the GLA objection, the inspectors reviewing the Southwark plan within the EiP concluded that planning permission for tall buildings may be granted on sites that have excellent accessibility to public transport, are located in the CAZ and are outside of strategic view corridors (ibid.). Furthermore, tall buildings have to contribute to the London skyline and consolidate a cluster within the skyline or provide a key focus within views (English Heritage and CABE 2007b). Neither English Heritage nor CABE had objected to the tall building policies therein, which is evident in the annex to the EiP report (Hollox and Mattocks 2006b). Therefore, even though local politicians did not support the draft tall buildings policy in 2007, the recommendations of the EiP panel had to be followed and the designation of Blackfriars as a tall building area was a necessary result that had to be expected to happen sooner or later. Based on these facts, the barristers, Corner and Bevan, were able to demonstrate successfully that the compliance of the LB Southwark policy making with the GOTB had not been questioned by the GLA, CABE and English Heritage or within the EiP.

Another critical requirement of the GOTB was that specific maps have to be produced that clearly designate areas appropriate for tall buildings (English Heritage and CABE 2007b). The GOTB states that a plan-led approach is only followed if maps are produced (ibid.). As a matter of fact, a map had not been produced. Therefore, the most important factor that allowed the conclusion that, in the absence of a precise map, a plan-led approach had been followed in the decision making was the agreement of both CABE and English Heritage. Based on these agreements, it could not be reasonably argued that the LB Southwark had not followed a plan-led approach in decision making regarding No.1 Blackfriars. The planning inspector, John L. Gray, reasoned that the application site was not located within an Opportunity Area (PINS 2009a). The inspector then went on to argue that the FALP had established an Opportunity Area, defined within a map that included the Southwark side of Blackfriars. Furthermore, it would not be necessary for the application site to be located within an Opportunity Area since Policy 3.20 of the Southwark Plan did require that tall buildings should not only be located in Opportunity Areas (ibid.). The Secretary of State agreed with the inspector's reasoning (DCLG 2009).

In conclusion, despite the problematic aspects identified in evaluating the compliance of the decision making with the plan-led approach, it is possible to argue that the critical evaluation of the planning inspector was effective. The interpretation in favour of the

acceptability of No.1 Blackfriars Road allowed the granting of planning permission and thus did not hold up development that would have surely been legitimised in the near future. The location at which the project was proposed fulfilled all the criteria required to be designated as an Opportunity Area. In particular, the planning permission for a train station that was part of the Thameslink 2000 project established the fact that in the future a transport hub would be in close walking distance to the application site (Department for Transport 2006).

In addition, the LB Southwark had made significant efforts to establish a specific tall building policy (LB Southwark 2005b). Thus, there could be no doubt that the location would fulfil the necessary criteria for being designated as an Opportunity Area. Hypothetically, the prerequisite for recommending refusal of planning permission would have been to conclude that the planning permission was granted prematurely (ODPM 2005a). The developers would have had to wait until the LB Southwark had established a tall building policy specifically designating the locations as a tall building area. Then, however, any development would have been delayed unnecessarily. According to reports, delays in planning processes have been described as a major factor hindering the effective functioning of the planning system (Barker 2006a). Building on this report, the Secretaries of State have recommended that 'commercial development should not be delayed simply on the basis of prematurity' (DCLG 2007a: 200). Therefore, the interpretative freedom applied in this case led to an effective assessment and decision making.



Map 11: The No.1 and 20 Blackfriars Road projects in relation to precedent cases and Opportunity Areas established through the FALP and the view from St James's Park.

The map shows the No.1 and 20 Blackfriars Road projects (red) in relation to precedent cases used in the examination during the public inquiry (orange), the London Bridge Bankside Opportunity Area established in the FALP (A) and St James's Park (light green). In addition, the townscape view from the Blue Bridge in St James's Park is indicated (light grey, opaque). The drawing is based on the map contained in the 2006 draft FALP (GLA 2006a: A83). Source: Author

6.5 The credibility of arguments regarding the visual impact

This section considers the reasoning of the planning inspectors in the Doon Street Tower and No.1 Blackfriars Road cases regarding the weight given to arguments made by the parties opposing the projects in question. First, the arguments made by the barrister, William Hicks QC, and Dr Chris Miele in support of the Doon Street project are introduced. Second, the counter arguments made by English Heritage and its barrister, Neil King QC, as well as the conclusions reached by the planning inspector, Philip Wilson, and the Secretary of State are discussed. In both the Doon Street Tower and the No.1 Blackfriars Road cases, objectors took the position that the visibility of tall buildings in the backgrounds of views was not acceptable and would warrant the refusal of planning permission (PINS 2008; 2009a). In the Doon Street case, the inspector, Wilson, concluded that the visual impact of the project on the courtyard of Somerset House was unacceptable (PINS 2008). In contrast in the No.1 Blackfriars Road case, the inspector, Gray, concluded that the visual impact of the project on the setting of St James's Park was not sufficient to recommend refusal (PINS 2009a). The section compares the policy background, and in particular the applicability of precedent cases as well, regarding both Doon Street and No.1 Blackfriars Road. It is established why the objectors were successful in the Doon Street case but not in the No.1 Blackfriars Road case.

The visual impact on Somerset House in the Doon Street case

The Doon Street Tower was called in on 25 September 2007 by the Secretary of State following a request by English Heritage (PINS 2008). The central issue in the public inquiry was to determine whether the project was in accordance with national, regional and local policy due to its visual impact on the courtyard of Somerset House, a Grade I listed building (ibid.). Image 16 at the end of this section shows the relevant view. Due to the significance of the issue of the visual impact, the townscape assessment provided by Dr. Chris Miele was of particular importance for the case of Coin Street Community Builders (CSCB), the developers of the Doon Street Tower. In the proof of evidence, Miele argued that the top of the Doon Street Tower was only visible from the entrance to Somerset House (Miele 2008). The further a visitor proceeded to the south of the courtyard, the more the proposal disappeared (ibid.). Finally, the tower was no longer visible as soon as one stood in the centre of the courtyard. The high quality of the design in addition to the limited visibility resulted in an impact that was not intrusive

and not harmful (ibid.). Miele's reasoning rested largely on the assumption that the courtyard of Somerset House was experienced mainly from within and thus the limited visual impact, which could only be experienced from the entrance, should be outweighed by the high design quality of the project.

Arguments seeking to employ the precedence principle were made in support of the Doon Street Tower. William Hicks QC, the barrister for the developer, CSCB, argued in his closing statement that the London Bridge Tower decision should be used as guidance, as the appropriate approach to the visual assessment and the decision making (Hicks 2008). He argued that just because the background to a particular view was an unspoilt skyline, that did not mean that the visibility of a tower would be harmful (ibid.). Furthermore, the DEGW in its 2002 report discussed Somerset House and concluded that, in a city context, maintaining an open sky as a background to views would be impractical and unrealistic (DEGW 2002). Hicks recited precedents such as King's College buildings and those on the Citybank site to show that there were already buildings visible from within the courtyard (Hicks 2008).⁵⁹ In conclusion, Hicks asserted that English Heritage used an 'extreme historicist approach' since it accepted the visibility of church spires to the north, and therefore it appeared that it simply expressed a dislike of modern buildings being visible whatever the quality of their design (ibid.: 22). The barrister, Hicks, attempted to establish the applicability of precedent cases while also seeking to weaken English Heritage's position by asserting that it was arguing on the basis of a biased position.

The case for the opponents of the Doon Street Tower gained significant momentum, not least due to very convincing arguments made by English Heritage planning officers. As I was able to observe at the inquiry, Dr. Gordon Higgott pointed out tall building cases in cross-examination, such as 30 St Mary Axe and 122 Leadenhall, in which English Heritage had not objected. Furthermore, English Heritage had not objected to the London Bridge Tower in relation to the St James's Park view. Crucially, Higgott was able to establish that the courtyard of Somerset House was better understood spatially if one stood further behind, such as was the case at the entrance. The view from the entrance is shown in image 16. Thus, Higgott attempted to weaken the argument made

⁵⁹ Appendix 25 contains photographs that show buildings visible from within the courtyard of Somerset House when looking towards the northern side.

by Miele that the courtyard of Somerset House was better appreciated once a visitor was inside the courtyard.

Of crucial importance to the case of English Heritage was the convincing reasoning by the barrister, Neil King QC, a leading barrister at Landmark Chambers. He argued that, unlike the Tower of London, the setting of the southern part of the Somerset House quadrangle had not been altered since the building was built. King argued that the projects which had been referred to as precedents by the barrister, Hicks, had all been constructed before Somerset House was listed. Hence, English Heritage had not objected to those buildings. The construction of the Citybank building to the north had been reduced in height so that no part of the building was visible from within the courtyard. Hence, there were no grounds that would have merited refusal of this planning application. Furthermore in his closing statement, King argued that the 'key moment of visual drama' was when a visitor entered the courtyard through the entrance from The Strand (King 2008: 31).

In conclusion, the visibility of the Doon Street Tower from the entrance was sufficient for English Heritage to justify the refusal of the planning application (*ibid.*). The barrister, King, managed to successfully nullify the London Bridge Tower public inquiry decision as a precedent. Furthermore, he also managed to protect the credibility of English Heritage regarding Doon Street by establishing that it had taken a consistent approach in its assessment and decision making. It was crucial for this point that there was no necessity for English Heritage to object to buildings visible on the northern side of the courtyard of Somerset House. Most importantly, King managed to successfully establish that an approach equating visibility with harm, as in this instance, would merit refusal of the planning application. The basis for this was that the visibility of the Doon Street Tower would have been the first alteration to the setting of Somerset House when experienced from within the courtyard.

The arguments presented by English Heritage convinced the planning inspector. Inspector Philip Wilson stated that people experiencing the courtyard of Somerset House would perceive the Doon Street Tower as a distinguishable element in the view (PINS 2008). Wilson based his reasoning on the façade material of Portland stone and glass which would be discernible from the background of sky and clouds (*ibid.*). In conclusion, Wilson appeared convinced that the compositional power of Somerset

House lay in its symmetry. Therefore, he deduced that the visibility of the Doon Street Tower would detract from an appreciation of this symmetry and the architectural composition (ibid.). Hence in conclusion, he recommended that the Secretary of State refuse planning permission (ibid.). As a result, the design team arguing in support of the Doon Street Tower was not as successful as hoped at the public inquiry. After the negative recommendation by the inspector, Wilson, the decision regarding the granting of planning permission was in the hands of the Secretary of State for Communities and Local Government, Hazel Blears.

Blears overturned the inspector's recommendations and granted permission to the Doon Street Tower. The reasoning was that although the Doon Street Tower would detract from the setting of Somerset House, this impact was mitigated by the existing projects visible to the north of the courtyard (DCLG 2008a). Blears decided that the benefits the project offered outweighed the harm done (ibid.). Subsequently, English Heritage attempted to get the decision quashed in the High Court, its case being based on questioning whether planning policy had been applied correctly by the Secretary of State (Bircham Dyson Bell LLP 2008). Finally, the High Court ruled that the Secretary of State had correctly based her decision on relevant policy and that the granting of planning permission should be upheld (Landmark Chambers 2008). Thus, the design team of the Doon Street Tower proved successful in the end. However, English Heritage had also successfully made the case that the visual impact on Somerset House should have warranted a refusal of planning permission. The decision made by Secretary of State Blears was a matter of values that did not diminish English Heritage's reasoning. Blears reasoned that the community benefits provided by a publicly accessible swimming pool and further S106 obligations outweighed the visual impact on Somerset House.

Comparison of the weight of arguments made by objectors in the Doon Street and the No.1 Blackfriars Road cases

In the case of the visual impact of No.1 Blackfriars Road, the barrister, Russell Harris QC, cross-examined Robert Ayton, appearing on behalf of the Westminster City Council (WCC), and the landscape architect Hall Moggridge, appearing on behalf of the Royal Parks. Harris managed to establish that in the Doon Street case both the opposing barrister, Neil King QC, and the planning inspector, Wilson, had applied the LVMF with regard to the visual impact on the St James's Park view. Crucially, the inspector,

Wilson, had reached the conclusion that the visual impact of the Doon Street Tower, which largely obscured No.1 Blackfriars Road, was not sufficient to recommend refusal of the granting of planning permission (PINS 2008). Furthermore, Wilson concluded that the approach advocated by the LVMF was to manage change, and that a position that does not allow change, such as the introduction of visible tall buildings, was incoherent with the LVMF (*ibid.*). Regarding both Ayton and Moggridge, Harris established in the No.1 Blackfriars Road case that they had not applied the LVMF correctly. Precedent cases had not been taken into account in the assessment and the position taken was that no building should be visible in the view, as was evident in the proofs of evidence (Ayton 2008; Moggridge 2008). Furthermore, Harris established that both the WCC and the Royal Parks had argued in consultation regarding the LVMF that the St James's Park view should be protected geometrically, and hence no building should be allowed to be visible in the background, and that this argument had been rejected within the EiP. In conclusion, Harris discredited the arguments made by the WCC and the Royal Parks which had argued that the visibility of No.1 Blackfriars Road in the St James's Park view resulted in unacceptable harm.

The planning inspector, Gray, noted that the WCC would have preferred if no new tall building was visible in the background of the view and that the Royal Parks opposed the visibility of a tall building behind Duck Island (PINS 2009a). Applying the LVMF, the inspector concluded that these approaches were too restrictive and that it was the design quality of a tall building that determined whether a tall building was acceptable within a view (*ibid.*). Furthermore, the inspector refuted the arguments made by the WCC and the Royal Parks that the tall building would dominate or overpower the St James's Park view (*ibid.*). The Shell Building and the London Eye, a modern structure very different in materials and shape to the historic buildings visible in the view, are visible. Thus, he questioned the argument that a very well designed building like No.1 Blackfriars Road should not be acceptable (*ibid.*). The Secretary of State agreed with the planning inspector's reasoning and granted planning permission to both No.1 and 20 Blackfriars Road (DCLG 2009a). Based on this discussion and the discussion of the arguments made by English Heritage regarding the Doon Street case, it must be questioned why the arguments made by English Heritage were accepted by the planning inspector while the arguments made by the WCC and the Royal Parks in the No.1 Blackfriars Road case were not. In the end, the positions taken were rather similar. English Heritage took the position that the clear sky background seen from within the courtyard of Somerset

House should be preserved. The WCC and the Royal Parks took the position that tall buildings in the background of the St James's Park should not be visible.

To what extent were precedent cases applicable in the Doon Street Tower case? The proponents of the Doon Street Tower sought to establish the applicability of the London Bridge Tower case as a precedent (Hicks 2008). However, the London Bridge Tower replaced an existing building which had been identified as bad architecture and which had also been visible from within the Tower of London WHS (PINS 2003). The main question was whether the new background provided by the proposal would be an improvement compared to the existing backdrop (*ibid.*). In the Doon Street Tower case, the project introduced the visibility of a tall building where there was a clear skyline background (PINS 2008). Thus, the cases were not similar enough, for which reason the London Bridge Tower could not be used as a precedent in terms of the visual impact.

The objectors' arguments in the Doon Street Tower case were soundly based on existing policy, in this case the PPG15 applied regarding the visual assessment. Planning Policy Guidance 15 (PPG15) requires preserving or enhancing views into or from within a conservation area outwards (Department of the Environment 1994). Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act grants these considerations the status of material consideration in the implementation process (OPSI 1990b). English Heritage successfully established that the entrance to the courtyard was a significant viewing point from which to enjoy the view out of the southern part of the courtyard (King 2008). Furthermore, it successfully established that the setting of this portion of the courtyard had not been altered since the building was built (*ibid.*).

Furthermore, the arguments provided by English Heritage gained significant weight because CABE did not accept the argument that the quality of architecture would outweigh the visual harm done to Somerset House. In fact, CABE in its visual assessment concluded that the mere visibility of the Doon Street Tower within the entrance sequence to Somerset House detracted from the setting of Somerset House (CABE 2007e). Therefore, it recommended that the proposal be refused planning permission (*ibid.*). If CABE had concluded that the quality of design outweighed visual harm then it could have been argued that the proposal followed the London Plan and Lambeth UDP policies. This was not the case. Therefore, the inspector had to conclude that a precedent for the visibility of a tall building in this part of the view would be set

by the Doon Street Tower and, importantly, that significant harm would be done (PINS 2008).

In the No.1 Blackfriars case, the arguments provided by the WCC and the Royal Parks were discredited successfully by the barrister, Russell Harris QC. In principle, the position taken by the witnesses, Moggridge and Ayton, was similar to the English Heritage rationale in the Doon Street case: no tall building should be visible in the background of the view in question so that no visual harm is caused (Ayton 2008; Moggridge 2008). However, the policy context and the preceding planning processes were rather different. First, a number of precedents had been established and, in the assessment of these, the LVMF had been applied by both the supporting and opposing parties involved and the planning inspector. Both Ayton and Moggridge had resorted to methods that were not based on those determined by the LVMF. In conjunction with the townscape consultant, Harris established that the images provided by Ayton and Moggridge were inaccurate.⁶⁰ Therefore, their arguments were countered by Harris who established that the LVMF had been applied correctly in precedent cases (Harris 2008b). Thus, the LVMF had to be applied in the same manner regarding No.1 Blackfriars Road based on the consistency principle in assessment and decision making. Importantly, the Doon Street Tower provided an important precedent case due to the similarity in terms of the visual impact with No.1 Blackfriars Road. Indeed, both projects appeared almost in the same location in the St James's Park view and Doon Street obscured large parts of No.1 Blackfriars Road, as is evident in figures 14 and 15 in section 2.

In both inquiries, the inspectors made correct use of precedent cases. In the Doon Street Tower inquiry, precedent-based reasoning proposed by supporters was dismissed and not taken into account on the basis of a lack of relevance to the case in question (PINS 2008). In the No.1 Blackfriars Road case, precedents were rightly taken into account due to their relevance to the case (PINS 2009a). The arguments provided by the supporters and objectors were correctly tested with regard to their compliance with applicable policy and guidance. In conclusion, the planning inspectors were very effective in assessing the credibility of the argumentative rationales of supporters and objectors in both cases.

⁶⁰ Examples of these images are contained in appendix 24.



Image 16: AVR of the Doon Street Tower seen from the entrance to the courtyard of Somerset House. The wireline drawing of the Doon Street Tower is marked with number 5. Source of image: Tavernor 2008b: 53; The copyright holder for this image could not be determined. I would be grateful if the copyright holder would get in contact with me.

6.6 Conclusions

This chapter has considered the public inquiry process regarding the No.1 Blackfriars Road project. The space within which the public inquiry was held as well as the presentation processes for proofs of evidence, cross-examinations and decision making by the planning inspector and the Secretary of State have been examined. The key issues in the public inquiry were the visual impact of No.1 Blackfriars Road on the townscape view from St James's Park protected through the LVMF and policy determining the appropriateness of the north-western corner of Southwark for tall building development. Regarding the cross-examinations of expert witnesses, only the determination of these most central issues has been examined.

The space within which the joint No.1 and 20 Blackfriars Road public inquiry was held was dominated visually by posters and physical models of the projects. In comparison, at the Doon Street Tower inquiry there was far less visual dominance by posters and models. This aspect of the inquiry room is not regulated in detail. However, guidance by the Council on Tribunals (1997) sets out that public inquiry must be conducted uninfluenced by external considerations and in hearing accommodation that is not connected with the opposing parties. I do not believe that the inspector was influenced by the presence of visuals and models. The planning inspectors are bound by the rules for decision making set out in the 2000 Town and Country Planning (Inquiries Procedure) (England) Rules (OPSI 2000a). Inspectors have to base their decisions on the merits of each case. Therefore, the interior of the public inquiry space is highly unlikely to have an impact on an inspector's decision. If a departure from the rules of decision making can be detected by a party aggrieved by the decision, then the decision can be challenged in the High Court (*ibid.*). Thus, the risk of a High Court challenge is far too great. Therefore, it is unreasonable to suspect that inspectors would depart from the rules of decision making based on the design of the inquiry space. Nonetheless, presentation materials do have persuasive effects, as has been demonstrated in chapter 4. Thus, it should not be assumed that planning inspectors are immune to persuasion due to the strict regulation of inquiry decision making procedures. Furthermore, the opponents of the projects in question might have been intimidated by the immense visual presence of the projects they were trying to stop. It might thus be reasonable to consider regulating the visual appearance of the interior of inquiry spaces so as to avoid such effects.

The discussions on the presentation of proofs of evidence and the examination of the townscape consultant and the arguments developed by the barrister have shown that precedent decisions and the visibility of precedent projects in protected views were central to determining the acceptability of No.1 Blackfriars Road. In the examination, significant proof was developed which showed that No.1 Blackfriars Road had been designed in accordance with national, regional and local policy. Furthermore, the precedent decision regarding the Doon Street Tower was an important part of the examination. This project largely obscured No.1 Blackfriars Road in the St James's Park view. The two projects were similar in many respects in terms of their visual impact. Therefore, the Doon Street decision was considered an important material consideration for determining the acceptability of No.1 Blackfriars Road. Thus, the inspector's reasoning that the visual impact could not be regarded as a sufficient reason to refuse the granting of planning permission was coherent with the principle of consistent decision making.

The determination of the appropriateness of the No.1 Blackfriars Road location for tall building development was more complicated during the planning process than at the public inquiry. While the project was being assessed by the GLA, CABE, English Heritage and the LB Southwark, the London Plan was amended via the FALP, the Southwark local tall building policy that emerged, and the GOTB was also amended. It has been demonstrated that the location conformed to the criteria for an Opportunity Area which was designated in the FALP and consolidated through the EiP in 2007. The only problematic aspect that was left was whether the absence of a local tall building policy specific to the north-western corner of Southwark would be sufficient to refuse the granting of planning permission. However, both English Heritage and CABE, the co-authors of the GOTB which demanded the production of a location specific tall building policy, agreed that the LB Southwark had followed a plan-led approach in its decision making. It has also been demonstrated that the conclusion by the planning inspector to recommend the granting of planning permission was coherent with the objectives set out by governmental reports and the 2007 DCLG white paper. Development should not be held up merely on the grounds of prematurity (DCLG 2007a).

The Doon Street and the No.1 Blackfriars Road cases have been compared in terms of the credibility of the proofs of evidence regarding the visual impact. At first glance, the

positions taken by the objectors appeared to be similar, the mere visibility of a tall building proposed being sufficient to recommend refusal of planning permission. However, in the Doon Street Tower case, the southern side of the courtyard in Somerset House has never been obstructed by tall buildings in the background of the view. Thus, Doon Street would have been the first precedent case visible in the background of the view. As a result, the evidence provided by English Heritage convinced the planning inspector, Wilson, of the merits of its case. This was not so with St James's Park. There, a number of precedent cases had already established that the visibility of tall buildings in the background was acceptable provided the projects conform to national, regional and local policy. Therefore, the conclusions by the planning inspectors in both cases were coherent with the principle of consistent decision making.

7. Key patterns in tall building planning

This chapter brings together the results of chapters 2 to 6. In these chapters, the processes of policy making and implementation conducted by the GLA, English Heritage, CABE and the LB Southwark, as well as the impact of UNESCO, have been examined in relation to the cases mentioned. Furthermore, the public inquiry regarding No.1 and 20 Blackfriars Road has also been discussed. While the previous chapters have considered each of these processes individually, this chapter seeks to reveal the interdependencies between the most important factors that contributed to and detracted from the effectiveness of the tall building planning system applied in central London at that time.

First, conflict resolution in the policy making processes regarding the London Plan and the LVMF is discussed. It is established that the London Plan and the LVMF led to significant improvements in the design quality of tall buildings. The flexibility provided to developers resulted in an increase in proposals for tall buildings. However, conflicts exacerbated and finally culminated in the involvement of UNESCO due to the incremental marginalisation of heritage groups. Second, conflict resolution within the implementation processes is examined. It is established that pre-application processes were a major source of conflict resolution. Third, the effectiveness of visual assessments based on the LVMF is discussed. While the LVMF was improved step-by-step, it continued to allow for assessments based on divergent values held by supporters and opponents. Thus, the acceptability of the visual impacts of precedent tall building projects had to be determined in the public inquiry processes. Fourth, the central issue of certainty is examined in relation to policy making and implementation processes. It is reasoned that unresolved conflicts and the marginalisation of heritage groups were a crucial source of uncertainty for developers. Fifth, the need for expertise from private sector experts is examined in relation to accusations of conflicts of interest. The GLA, CABE and English Heritage depended on private sector expertise. However, these organisations repeatedly had to defend their public accountability due to accusations made by parties aggrieved by their decisions.

7.1 Conflict resolution in policy making processes

This section considers the pattern of conflict resolution in the policy making processes regarding the London Plan and the London View Management Framework (LVMF). Section 13 of the 1990 Town and Country Planning Act requires that every person is given the opportunity to make a representation for or against a proposed draft policy within a process of consultation (OPSI 1990a). Once a draft version of a policy has been produced, stakeholders are asked to submit written representations commenting on the impact of the policy on their interests. This consultation process is carried out by the relevant regional or local planning authority (*ibid.*). Within the process of the Examination in Public (EiP)—as defined in Section 20 of the act—government appointed inspectors from the Planning Inspectorate examine the draft policy in conjunction with objections and concerns raised within consultation (*ibid.*).

As has been demonstrated in chapters 1 and 2, a fierce conflict about the acceptability of tall building projects in central London emerged in the cases in question. The London Plan strongly supported tall building development. However heritage groups came to consider the LVMF as guidance that did not constrain the visual impacts of tall buildings to a sufficient degree. The first part of this section states the essence of the divergent positions taken by supporters and opponents of tall buildings. In addition, it is examined to what extent conflicts resulting from these positions were resolved in the policy making processes. Furthermore, the impacts of the apparent lack of conflict resolution are examined. It is argued that the lack of conflict resolution led to a significant increase in uncertainty for developers of tall buildings in northern Southwark and Lambeth. Evidentially, conflicts were not resolved which led to an upward spiralling of antagonistic interactions, culminating in the involvement of UNESCO. Finally, a hypothetical scenario of a compromise solution for resolving the conflicts is discussed.

Conflict resolution in the drafting of the London Plan and the LVMF

Proponents of tall buildings, such as the GLA, the City of London and the LB Southwark, and opponents, such as English Heritage, the Westminster City Council (WCC) and the Royal Parks, formed radical positions towards tall building development between 1999 and 2001. The initial projects at 30 St Mary Axe and the Heron, Minerva and the London Bridge Towers caused significant controversy amongst supporters and

opponents of tall building development, as has been demonstrated in chapter 2. On the one hand, the GLA took a particularly favourable approach towards tall buildings, as is evident in the interim guidance and statements made by Mayor Ken Livingstone (GLA 2001a; b).

On the other hand, English Heritage, the WCC and the Royal Parks, joined by SAVE Britain's Heritage, the Historic Royal Palaces and the Dean and Chapter of St Paul's Cathedral, assumed positions which were both strongly restrictive and radically adverse to some extent towards tall buildings. This was best exemplified by the initial response to the emerging London Plan by Colvin and Moggridge for the Royal Parks. They proposed a contour map which would have ruled out tall building development in most of central London (Colvin and Moggridge 2001). As a result of these radically divergent positions, a number of tall building projects were called in and decided on within a public inquiry (see appendix 6). Thus, conflicts regarding these early projects were resolved by means of following through extended and expensive public inquiries or by the Secretary of State granting planning permission and refusing call-ins.

Conflicts did not get resolved in the London Plan policy making process. The GLA continued and indeed increased its support for tall building development through the proposals made in the draft London Plan. The whole of the CAZ was proposed as an area potentially appropriate for tall building development (GLA 2002a). Furthermore, it was proposed that quality of architecture and urban design be the core aspect for future tall building development in London (ibid.). It was proposed that the ten protected view corridors be reduced in width and two of them abolished (ibid.). Furthermore, the London Plan remained ambiguous in the sense that the extent of locations appropriate for tall building development was not further developed. In addition, the London Plan and the FALP were shaped in a way that allowed local boroughs to grant planning permission to precedent tall building projects, such as No.1 Blackfriars Road, 20 Blackfriars Road, the Doon Street Tower and Elizabeth House.

In the process of drafting the LVMF, a compromise solution was proposed to try and find a middle ground between supporters and opponents of tall building development. However, the compromise proposed by the experts writing the 2005 draft LVMF was only partly accepted by the supporters and opponents of tall building development. In response to strong opposition by developers and concerned GLA officers, the 2007

LVMF took a step back from the attempted compromise. Geometric view corridors which had been introduced in 2005 to protect more views than the RPG3A permitted were removed. In addition, the QVA method, as discussed by way of example in relation to the St James's Park view, introduced a language for assessment that no longer constrained forthcoming precedent cases, such as No.1 and 20 Blackfriars Road and the Doon Street Tower, to a degree that could have satisfied English Heritage, the WCC and the Royal Parks. This point is evident in their consultation responses regarding the LVMF (LAC 2005b; WCC 2005; Colvin and Moggridge 2005a). Instead, architectural quality was made the prime assessment criteria. Since heritage groups were excluded from assessments of architectural quality, this measure further contributed to the marginalisation of heritage groups. Furthermore, the QVA method also partly excluded heritage groups through the use of expensive visualisations, the AVRs. As a result, heritage groups perceived both the London Plan and the LVMF as overly permissive policies. Heritage groups did not accept the LVMF as an appropriate guidance for assessing visual impacts in central London.

The strong supportive stance towards tall buildings taken by the GLA in the London Plan and the LVMF encouraged developers to submit more tall building projects, also in locations that had not seen investment in tall building development previously, such as northern Lambeth and Southwark. The strong support for precedent tall building cases by the GLA posed an immediate threat to heritage groups which feared that if these precedent cases were granted permission, then heritage protection would be severely weakened. Critically, the 2007 LVMF gave greater weight to precedent cases in visual assessments (GLA 2007b). As a result, heritage groups felt severely marginalised through what they perceived to be overly permissive tall building policy and guidance.

In summary, conflicts between supporters and opponents of tall building development were not resolved to a sufficient degree in the drafting of the London Plan and the LVMF. With the London Plan and the LVMF, the GLA developed policy that supported, or at least did not constrain, tall building projects to a degree that was acceptable to heritage groups. However, the GLA chose not to follow the demands made by heritage groups to limit the extent of the areas appropriate for tall building development and to increase the protection of heritage assets through the LVMF. The limitation on the tall building advocacy by the GLA in the London Plan resulting from EiPs was not sufficient to resolve the conflicts between supporters and opponents. Thus,

the conflict spiralled upwards and peaked when UNESCO got involved, threatening to put the Westminster and Tower of London WHSs on their List of World Heritage in Danger (UNESCO 2006a).

The effects of the lack of conflict resolution in policy making

The apparent lack of conflict resolution in policy making was a primary reason for the involvement of UNESCO in tall building planning in London. The involvement of UNESCO caused amendments to the call-in directions (DCLG 2008b). In turn, this severely increased the level of uncertainty for the design teams of No.1 and 20 Blackfriars Road, the Doon Street Tower and Elizabeth House. However, the amendments made to the LVMF and the GOTB did not lead to a greater level of certainty in determining the appropriateness of these projects. In fact, all of these projects were called in by the Secretary of State who needed to be seen to be scrutinising these projects since these had been mentioned in UNESCO reports as immediate threats to WHSs (UNESCO 2007a).

Moreover, it needs to be questioned whether the calling in of these projects was necessary. After all, neither the Doon Street Tower nor No.1 and 20 Blackfriars Road, once the planning applications had been amended, had impacts on central London's WHSs that would have justified the call-in, as is evident in the assessments in public inquiries (PINS 2008; 2009a). The call-in of Elizabeth House appeared to have had greater merit since the quality of architecture was deemed insufficient by CABE and due to its impact on the Westminster WHS (PINS 2009b). Therefore, the lack of conflict resolution in policy making, which caused the UNESCO involvement, resulted in a severe increase in uncertainty for the developers and potentially avoidable public inquiries, in addition to the embarrassment caused to the national government.

Based on this examination, it is possible to consider what the alternative, a compromise between supporters and opponents, would have meant for tall building development. The goals of a compromise would have had to be a reduction in conflict and, resulting from that, the removal of the need for public inquiries. In order to reach these goals, the GLA would have had to limit areas appropriate for tall buildings to precisely designated locations. Furthermore, the LVMF would have had to include greater amounts of strict geometric thresholds and incorporate the possibility that values based on conservation might have to be given greater weight than the quality of architecture and urban design.

However, these measures would have restricted developers who needed the flexibility provided by the loose designation of tall building areas in order to identify profitable locations on which to propose tall building projects. Furthermore, an increase in the constraints on tall building development would have most likely led to a decrease in the amount of tall buildings proposed. The large amount of risk involved in tall building development, due to the fierce opposition and the possibility of call-ins, would have been increased dramatically. For these reasons a compromise, as outlined above, would not have been compatible with the strategic planning agendas of the GLA and the local boroughs, such as the City of London and the LB Southwark, which sought to attract more tall building development.

7.2 Conflict resolution in implementation processes

This section considers the conflict resolution during the implementation processes for No.1 Blackfriars Road. Section 71 of the 1990 Town and Country Planning Act defines that local planning authorities (LPAs) have to consult every statutory and non-statutory consultee affected by a proposed development (OPSI 1990a). The consultation takes place after the planning application has been submitted to the LPA. However, it has been recognised by the national government and within expert reports that resolving conflicts in pre-application discussions prior to submitting the planning application is desirable (Killian and Pretty 2008). Hereunder, the pre-application discussions between the design team of No.1 Blackfriars Road and the GLA, CABE, the LB Southwark and English Heritage are discussed. It is determined how successfully the conflicts were resolved in them. Furthermore, the related aspect of lobbying in these discussions is examined.

Successful conflict resolution with the GLA, CABE and the LB Southwark

In pre-application discussions between the design team of No.1 Blackfriars Road and the GLA and CABE, potential conflicts were resolved successfully. This is evident in the consultation responses by these organisations (LB Southwark 2006a; 2007a, 2007b). Similarly, the design team and the LB Southwark were able to resolve conflicts prior to the consultation stage (*ibid.*). The design team was successful in those processes due to the information provided by public relations consultants and the advice given by planning and townscape consultants. On the one hand, based on knowledge and advice, the design team was able to address the issues of greatest concern to regional and local politicians and planning officers. On the other hand, the design team's willingness to make further amendments enabled the design team to advance the design until issues of concern had been removed. This is evident in the GLA Stage 2 reports, the CABE reports and the LB Southwark planning reports which have been discussed in chapters 1, 2, 3 and 4. It has also been established in these chapters that the design team benefited from access to key decision makers such as the Mayor of London, the local council leader and leading personnel in the CABE Design Review Panel (DRP).

While the privilege of having access to key decision makers helped to resolve conflicts, it brings with it the need to examine whether the lobbying activities conducted therein were in accordance with related regulations. The national government and

commissioned reports on the planning system have repeatedly recommended including all of the interested parties in the planning process (DTLR 2001; Killian and Pretty 2008). Thus, the national government has emphasised greater inclusion of all parties in policy, most recently in the PPS1 (ODPM 2005c). However, in the planning system, the actual forms of access to and the ways of influence on governmental organisations have not been defined in these documents. It is therefore useful to define which legitimate and illegitimate forms of access and influence there are. In 2007, the Public Administration Select Committee (PASC) was commissioned to inquire into the issue of lobbying. A report which included a series of recommendations was published in 2009 (PASC 2009).⁶¹ The House of Commons defines lobbying as:

'Lobbying', in our view, relates to activity which seeks to influence public policy, legislation or practice, or decisions of the executive. For political consultancies lobbying is about helping organisations – their clients – who want to achieve policy, legislative or regulatory change; to understand the people, policies and processes involved; who the key decision makers are, when to approach them, and how best to make their case. (House of Commons 2010: 3)

Other activities by political consultancies, such as monitoring, providing intelligence about political processes or advising on the relations of clients with the media, are not regarded as lobbying. Thus, generally, lobbying is regarded as a wholly legitimate activity of interest advocacy that contributes positively to processes of policy making and implementation (ibid.). However, some forms of lobbying have been labelled illegitimate and undesirable. Hiring people as consultants who have personal contacts at the heart of government is seen as an attempt at buying access and influence. For example, members of the Greater London Assembly are not allowed to be employed by political consultancies (PASC 2009). The PASC stated that people are most likely to be influenced by those that they perceive as friends (ibid.). Improper influence is therefore linked to the power of informal networks of friendships and relationships (ibid.). Based on these requirements, lobbying in pre-application discussions is legitimate if it is conducted in an honest and transparent manner.

In as far as I have been able to examine this aspect within the thesis, the lobbyists for tall building projects were known to public servants at all times. Greater London Assembly reports show that there are records at the GLA detailing the participants of

⁶¹ The House of Commons arrived at the conclusion that the Blair government had encouraged the moving back and forth of government officials between government and the private sector, thereby encouraging lobbying activities by government officials for the private sector (House of Commons 2010).

pre-application meetings between the mayor, the GLA planning officers and design team members (Greater London Assembly 2002). In interviews with the planning consultant, Roger, and the GLA officer, Martin Scholar, it has also been established that lobbying took place in a transparent manner. Furthermore, in negotiations between the No.1 Blackfriars Road developer, Justin, and the English Heritage officer, Paddy Pugh, there appears to have been full transparency. Therefore, it can be concluded that the lobbying in these pre-application discussions was legitimate since it was the developers, their architects or their consultants who transparently lobbied with regard to the No.1 Blackfriars Road project.

In order to fully establish whether the lobbying activities of design teams are legitimate, a second test is necessary. This test examines the kind of access the private sector has to public servants. It is useful to distinguish between three forms of access and intent on the part of core design team members to key players. Some design team members, such as public relations consultants, have direct access to politicians and other key players. They can potentially use this access to try and directly influence their opinions and future decisions to the benefit of a project. Furthermore, highly established planning consultants, such as DP9 and Montagu Evans, establish long term relationships with regional and local politicians and planning officers. A second form of direct access is geared towards gathering information so that the design team is informed about the constraints under which the decision maker operates and therefore knows which actions by the design teams are most likely to be successful and when is a good time to submit a planning application.

The third form of access is through being an insider. A number of consultants have been members of an expert panel on a quango or have represented design teams within panel assessments. These experts can use this knowledge within the design team so that the approach to working with the quangos—English Heritage and CABE in this case—can be enhanced. Ultimately, it was not possible to determine which forms of lobbying public relations consultants conduct. On the one hand, a number of interviewees, who shall remain unnamed, insinuated that public relations consultants might directly lobby regional and local politicians. The PASC perceived this form of lobbying as illegitimate since informal networks of personal relationships are then being used to influence political decisions (PASC 2009). On the other hand, the public relations consultant, Ian Lindsley, argued that they are only providers of information regarding a politician's

interests and that they use their direct access to politicians, which they have obtained through having been employed by the government previously, to talk to them. The information gathered is used to advise the design team on constraints, opportunities and forthcoming policy changes. The actual lobbyist for the project, Lindsley argued, is always the developer. It could not be unequivocally established in the thesis whether there have been instances in which political decisions were directly influenced by illegitimate forms of lobbying. However, the fact that various forms of lobbying are integral parts of tall building planning suggests that these aspects might need further attention in terms of regulation.

Unsuccessful conflict resolution with heritage groups

Compared to the GLA, CABI and the LB Southwark, pre-application discussions with English Heritage take place under different preconditions. While design teams are able to align their interests with those of the GLA, the LB Southwark and CABI, this is not the case with English Heritage. With the GLA and the LB Southwark, the design team of No.1 Blackfriars Road was able to incrementally improve the design of the project so that the regional and local policy requirements were met. Furthermore, it was possible to find common ground regarding the amounts and nature of the S106 obligations. It proved possible to obtain CABI's agreement by taking into account the constructive criticism and amending the design accordingly. The agreements reached with the GLA, the LB Southwark and CABI are evident in the development control reports written by Southwark planners (LB Southwark 2006a; 2007a; 2007b).

With English Heritage, it was not possible to identify any common ground between 2005 and 2007. As has been established in chapter 4, the optimum goal for English Heritage would have been a complete removal of the visual impact of No.1 Blackfriars Road on heritage assets. In addition, concerned parties that are not themselves part of pre-application processes, such as the Westminster City Council (WCC) and the Royal Parks, expected English Heritage to use all the means available to it to stop potentially harmful projects. The fact that English Heritage was criticised by representatives of heritage groups in House of Commons inquiries for failing to object to tall building projects is evidence of this (House of Commons 2002; 2006). The result was that English Heritage requested a call-in when planning permission was granted by the LB Southwark (LB Southwark 2006a; 2007a). Thus, in the early stages of No.1 Blackfriars

Road project, the design team and English Heritage were not able to resolve their conflicts.

The further reasons for the lack of success in resolving conflicts with the heritage groups were manifold. As has been established in chapter 3 and 4, English Heritage did not accept the LVMF as suitable guidance for assessing the visual impact. Consequently, English Heritage perceived the townscape assessments, which were based on the LVMF and concluded that No.1 Blackfriars Road was acceptable in terms of the visual impact, as acts of persuasion seeking to get English Heritage to withdraw its request for a call-in. Thus, there was a lack of trust both in the LVMF method and in the validity of the townscape assessments.

Another factor that contributed to an adversarial relationship between English Heritage and the design team of No.1 Blackfriars Road lay in the mode of exchange of the information. The results of assessments in the CABE DRP and the GLA are communicated transparently, as has been established in chapters 2 and 4. In contrast to this, the minutes of English Heritage's London Advisory Committee (LAC) are often withheld from public access, as was the case with No.1 Blackfriars Road (LAC 2006b; c). One reason for why English Heritage withholds its LAC minutes was their use in the Heron Tower process. In this case, the LAC minutes were used by proponents of the project at the public inquiry to argue that the English Heritage commission had diverged from the LAC recommendations (PINS 2002a). This lack of information exchange, resulting from the withholding of the LAC minutes, represented a significant uncertainty factor for the design team. The design team had to wait for the consultation process after the planning application submission in order to get confirmation with regard to whether English Heritage would request a call-in or not. As a result, the planning process was extended. Finally however, English Heritage and the developer of No.1 Blackfriars Road were able to reach a compromise agreement. Despite the problematic nature of the previous planning process, this compromise must be seen as a positive result since conflicts had now finally been resolved with English Heritage.

7.3 Assessing the visual impact of tall buildings

This section considers the disadvantages for heritage groups resulting from the LVMF. In fact, the visual impacts of tall buildings have been the most controversial aspect regarding tall building public inquiries, as is evident in the respective Planning Inspectorate reports (PINS 2002a; 2003; 2004a; b; 2007; 2008; 2009a; b; c). Thus, I believe that this topic merits a separate section. Based on the results from chapter 3, within which the QVA method and its application to the townscape view from St James's Park view have been examined, it is argued that the use of AVRs disadvantages heritage groups economically. In addition, it is argued that the use of individual viewing positions and the foregrounding of the quality of architecture and precedent cases disadvantage heritage groups. Furthermore, it is established that the LVMF advocates a method for visual assessments that is ambiguous. Based on assessment reports and data gained from public inquiries, it is shown that the GLA, the townscape consultants, English Heritage, as well as the Westminster City Council (WCC) and the Royal Parks each use different values as bases for their assessments of the visual impacts of tall buildings.

Disadvantages for heritage groups based on the LVMF method for visual assessments

It has been established in chapter 3 that the Qualitative Visual Assessment (QVA) method disadvantages heritage groups. This discussion examines how QVAs were used in the public inquiries regarding the No.1 and 20 Blackfriars Road and the Doon Street Tower projects. First, the production of Accurate Visual Representations (AVRs)—the images used to represent the visual impacts of tall buildings on a protected view—is very expensive. The problem arising from this circumstance for heritage groups was well illustrated by the public inquiry regarding No.1 and 20 Blackfriars Road. In the inquiry process, the principal witnesses for the Westminster City Council (WCC) and the Royal Parks used images to try and convince the planning inspector that the AVRs used by the townscape consultant might downplay certain visual effects (see appendix 24). However, the barrister and the townscape consultant representing the developer established that these images lacked geometric accuracy and had not been produced according to the specifications set out by the LVMF. This aspect was evident when observing the public inquiry procedure. The LVMF specifies the requirements of geometric accuracy and the accuracy of the representation of façade materials (GLA

2007b). Therefore, heritage groups are disadvantaged because they are not able to afford the production of expensive AVRs. Developers, however, are able to afford the production of AVRs. In the case of No.1 Blackfriars Road, complete sets of AVRs were produced in 2006, 2007 and 2008, as is evident in the townscape assessments submitted as part of the Environmental Impact Assessment (EIA) (Tavernor 2006a; 2008a; c; d).

Second, the LVMF protects views from specified viewing points (GLA 2007b). Therefore, other potentially important view points nearby are not given the same weight in an assessment. In the No.1 and 20 Blackfriars Road public inquiry, Hall Moggridge, the principal witness for the Royal Parks, submitted an image that showed No.1 Blackfriars Road from a view point a bit further south, from the southern end of the Blue Bridge, at which the designated view point of the townscape view from St James's Park is located (see appendix 13). Moggridge sought to establish proof that greater harm to the view resulted when No.1 Blackfriars Road was seen from this location (Moggridge 2008). However, the barrister, Harris, on behalf of the Beetham Organization, showed that English Heritage had not relied on the view suggested by Moggridge (Harris and Cameron 2008b). Furthermore, Harris also established that impacts on other views, such as the one suggested by Moggridge, had to be considered as secondary impacts which had to be given less weight than the townscape view from the middle of the footbridge in St James's Park designated in the LVMF (*ibid.*).

In comparison, no viewing points were specified from the courtyard of Somerset House in the Doon Street Tower instance. The PPG15, which was applied in this case, does not specify viewing locations (Department of the Environment 1994). As a national policy, the PPG15 is generic, only setting out a qualitative method for visual assessment but not providing place specific measures, such as viewing locations or view corridors. Therefore, it was possible for heritage groups to choose a viewing location—the entrance to the courtyard of Somerset House—from which the Doon Street Tower had the highest degree of potential negative visual impact (PINS 2008). Since the LVMF was specific to the St James's Park view, the LVMF had to be used to assess the visual impact on this townscape view. By specifying exact viewing locations, the LVMF weakened the weight given to evidence showing potential visual harm from other nearby viewing locations. In this regard, the LVMF disadvantaged heritage groups

seeking to find the visual impacts from those locations where the greatest visual harm could be experienced.⁶²

Third, it has been established in chapter 3 that the LVMF foregrounds the value of architectural quality and strengthens the weight of precedent cases visible in protected views at the assessment stage. It has been established in chapter 3 and 4 that English Heritage is excluded from the assessments of the quality of architecture. Its remit is to assess impacts on heritage assets (Her Majesty's Stationary Office 1983). Furthermore, the public inquiry regarding No.1 and 20 Blackfriars Road exemplified the heightened use of precedence within the assessment of the visual impact. On the one hand, the barrister, Banwell, representing the WCC and the Royal Parks, sought to weaken the weight given to the precedent decision (Banwell 2008b). On the other hand, the barrister, Harris QC, representing the developer, Beetham Organization, established that full weight had to be given to the Doon Street decision (Harris and Cameron 2008b). Therefore, the foregrounding of quality of architecture and the weight given to precedent cases disadvantage heritage groups. However, the focus on precedent decisions is vital in providing for consistency in decision making, in particular in instances such as No.1 Blackfriars Road where Doon Street is visible in the same view. In this regard, greater certainty arises incrementally since decisions have to be based on the emergent precedent cases.

The technical problem of not representing the human visual experience adequately, as demonstrated in chapter 3, is a secondary problem from my point of view. Improvements regarding this matter are important in terms of creating a basis for a judgement that achieves greater realism. However, these improvements are unlikely to create greater consistency in assessments. The different parties with vested interests in tall building development use different values as bases for their assessments. Heritage groups interpret the visual impacts of tall buildings based on considerations of conservation values, while the GLA and supporters of tall buildings foreground positive properties, such as the contribution to a world city image and regeneration effects. These different potential ways to interpret the visual impacts of tall buildings by using the LVMF are the subject of the next paragraphs.

⁶² English Heritage has sought to introduce the use of sequences of view points within visual assessments. The document, *Seeing the History in the View: A Method for Assessing Heritage Significance Within Views*, uses a view from Southwark towards the Tower of London as an exemplary case (English Heritage 2008a).

The LVMF methods allows for divergent assessment conclusions

The parties involved in assessing the visual impact of tall buildings in central London use different values as bases for their assessments. The GLA concluded in 52.5% of the 43 tall building cases that no harm was found and that therefore the visual impacts were acceptable. Appendix 4 includes a table summarising the GLA assessment results. Indeed, in 10.5% of the cases, the GLA concluded that the visibility of tall buildings enhanced views. It must be taken into account when considering these numbers that 37% of all cases were not visible in protected views. Only in 8% of all cases did the GLA conclude that a height reduction would result in a better project due to reducing the visual impact. In 8% of the cases, the GLA even recommended that the projects would be better if they were higher. However, amendments were demanded by the GLA in terms of increasing the affordable housing contributions provided through S106 (in 39.5% of the cases) and the urban design (in 18.5% of the cases). Thus, it must be concluded that the GLA valued the world city image associated with tall buildings, as well as quality of architecture and contributions to regeneration, over potential visual impacts on heritage assets.

Townscape consultants work for developers. Therefore, they advise the developer, the architect and the other core design team members in relation to any visual impacts. Townscape consultants suggest improvements to the design and amendments to the form and height of a tall building during the design process. This aspect has been established in chapter 4 in relation to the CABE DRP assessments and is also evident in the architects' proofs of evidence at public inquiries (Ian Simpson Architects 2008; Wilkinson Eyre Architects 2008).

English Heritage has consistently sought to limit the visual impacts of tall buildings on heritage assets. In public inquiries, English Heritage has strongly argued in favour of the refusal of planning permission due to negative visual impacts (PINS 2002a; PINS 2003; PINS 2004a; b; 2009a; b). In cases in which precedent decisions limited the merits of English Heritage's case against planning permission, such as was the case with the Bishopsgate Tower and No.1 and 20 Blackfriars Road, it has tended to step back from requesting a call-in (GLA 2005g; English Heritage 2008b). Principally, English Heritage's approach to visual assessments is set out in detail in their document, *Seeing the History in the View* (English Heritage 2008a). The central values of the English Heritage method as advocated in this document are derived from their publication,

Conservation Principles, which focuses on identifying the significance of the heritage asset (English Heritage 2006b). Thus, based on this examination, it can be concluded that English Heritage values the conservation of heritage assets over otherwise beneficial aspects such as the quality of architecture and contributions to regeneration.

A more radical approach is advocated by the WCC and the Royal Parks. In both the Doon Street Tower and No.1 and 20 Blackfriars Road public inquiries, these organisations insisted that no visibility was acceptable in the background of the St James's Park view (PINS 2008; 2009a). The same approach was evident in the contour map produced by Colvin and Moggridge as a response to the London Plan. This map defined height thresholds in a way so that tall buildings could only be granted permission when these were not visible from within central London's Royal Parks (Colvin and Moggridge 2001). However, this approach was dismissed as invalid by planning inspectors since it was not based on the LVMF QVA method and the management plan of the St James's Park view (PINS 2008; 2009a).

The WCC had also sought to produce a visual assessment policy applicable within the boundaries of the City of Westminster. The document, Metropolitan Views, Draft SPG, defines a large set of views from within the City of Westminster outwards, thereby defining views across borough boundaries (WCC 2007a). As was established by the barristers, Harris and Katkowski, in the No.1 and 20 Blackfriars Road public inquiry, this approach was rejected by consultees, including the GLA (Katkowski and Lyness 2008). The planning inspector, Gray, also concluded that the WCC and the Royal Parks advocated the position that no visibility was the only acceptable visual impact (PINS 2009a). As is evident from this discussion, the WCC and the Royal Parks value the clear skyline background to their heritage assets over the considerations of other parties, such as the quality of architecture and regeneration contributions. The WCC and the Royal Parks raise the strongest objections when a tall building is visible in relation to conservation areas and monuments under their jurisdiction.

In summary, it has been shown that the GLA, the private sector townscape consultants, English Heritage, as well as the WCC and the Royal Parks each use different values as their bases for the assessment of visual impacts. All of these different approaches to visual assessments have been applied based on the prerequisite that the LVMF is the appropriate Supplementary Policy Guidance (SPG) to be used for assessments.

Therefore, it must be concluded that the LVMF is an ambiguous policy in terms of the different conclusions that can be reached using it for the assessment of visual impacts. John Hare has argued in the interview that in 2005 he and Richard Coleman attempted to incorporate the values of the different parties. However, as has been established in chapter 3, qualitative language was excluded in the final 2007 LVMF. As has been argued by both the co-author of the 2007 LVMF, Dr Chris Miele, and the English Heritage officer, Paddy Pugh, the specific terminology used to describe the values of the St James's Park view, such as mystery, was unsuitable since it did not comply with planning terminology. In conclusion, the different value sets used by the various parties are the cause of the divergent interpretations and conclusions, exploiting the ambiguity contained in the LVMF. Thus, I recommend that one value set be established for the LVMF based on democratic debate, in consultation processes or in addition to using working groups that consist of members from the different interest groups. Then it might be possible to provide a better basis for decision making in which conclusions are more streamlined.

7.4 Certainty in tall building planning

This section considers policies and implementation processes regarding tall building development in central London in the light of planning certainty. Reports commissioned by the national government have concluded that greater certainty in regulation is one of the primary aims of the plan-led approach (Barker 2006a). Developers should be in the position to know the conditions under which proposed projects would be granted planning permission, since regional and local policies have to be based on national policy (ibid.). However, it has been concluded that these goals were often compromised by the length and complexity of the planning process (Barker 2006b). It is discussed in this section how effective the tall building policies of the London Plan and the LVMF have been in establishing certainty for developers. Implementation processes are examined with a particular focus on pre-application discussions. It is concluded that the London Plan policies have been a trade-off in foregrounding and achieving the highest quality architecture and flexibility for developers of tall buildings against certainty. Furthermore, the lack of conflict resolution between supporters of tall buildings and heritage groups is identified as the major source of uncertainty in tall building planning processes.

Certainty through regional and local policy and guidance

The policies of the London Plan relevant for tall building development provided flexibility for developers and architects. This flexibility arose from the 4B policies and the designation of Opportunity Areas and the CAZ in the London Plan. In the earliest stages of the development of a tall building policy, the 2001 interim guidance, Mayor Ken Livingstone sought to assure developers of tall buildings of his support. He made the unequivocal statement that he would support controversially discussed precedent cases, amongst others, the Heron, London Bridge and Vauxhall Towers, and that emerging policy would be shaped so as not to unnecessarily constrain those (GLA 2001b). Furthermore, the policies 4B.1, 4B.2 and 4B.3 of both the draft 2002 and the final 2004 London Plan are manifestations of the agenda of an urban renaissance. These policies set out the requirements of the highest quality of design and the maximisation of built density in key locations (GLA 2002a; 2004a).

Importantly, policy 4B.8 defines locations appropriate for tall building development in a loose manner. The final 2004 London Plan maintained that tall building projects might

be appropriate in the CAZ and in designated Opportunity Areas (GLA 2004a). In addition, the Blue Ribbon policy 4C.20 states that tall building projects are appropriate at water spaces if these are successfully integrated into the urban fabric (ibid.). These policies have encouraged developers to propose more tall building projects. This is evident in appendix 2 which shows that more than forty tall building projects were proposed between 2000 and 2008. Furthermore, the policies provide flexibility for architects since no height thresholds or specific details on the form of tall buildings are prescribed by the London Plan. At the same time, the tall building policies of the London Plan provide for certainty for developers in so far as developers could be certain that the GLA will support their projects if they meet the requirements set out. An important role regarding achieving conformity with GLA policy is played by planning, public relations and townscape consultants who provide advice to private developers and architects on policy matters. Appendix 7 shows that the GLA supported all of the controversial tall building projects at the public inquiries.

Despite the certainty provided by the GLA policy, the London Plan policies have also caused a significant degree of uncertainty for developers and architects. The planning process regarding the No.1 Blackfriars Road project illustrates this. It has been established throughout the previous chapters that the lack of a precise determination of the extent of the areas appropriate for tall buildings resulted in a high degree of uncertainty for the design team of No.1 Blackfriars Road. The policies in the 2004 London Plan did not allow regional and local planning authorities to arrive at the decision that the location was appropriate for a tall building without the right of a challenge by heritage groups. The maintenance of the call-in request by English Heritage in consultation processes in 2006 and 2007 is evidence of this (LB Southwark 2006a; 2007a). Furthermore, as has been established in interviews with the developer, the architect and the planning consultant for No.1 Blackfriars Road, the lack of a local tall building policy was the main cause for this high level of uncertainty. Certainty regarding this aspect first arose out of the compromise agreement achieved between the developer and English Heritage. The discussion on the joint No.1 and 20 Blackfriars Road public inquiry in chapter 6 has shown that the appropriateness of the location was accepted in the autumn of 2008. While a degree of certainty arose for the design team from the supportive assessments made by the GLA, CABE and the LB Southwark, a high degree of uncertainty resulted from the lack of determining a local tall building policy or the precise extent of tall building areas in the London Plan.

Regarding the LVMF, it has been established above that unresolved conflicts with heritage groups have resulted in a lack of acceptance of the QVA method and indeed of the LVMF as a whole. Consequently, as has also been established above, the LVMF has been interpreted differently based on the divergent values held by the different interest groups. A high degree of uncertainty for developers has arisen from these divergent interpretations.

The appropriateness of the visual impacts of tall buildings could not be determined prior to resolving the granting of planning permission in relation to the most controversial cases. This is evident in appendix 7 which shows that eleven of forty-three tall building cases were called in by the Secretary of State to determine the appropriateness of the visual impacts in public inquiries. Certainty regarding visual impacts gradually arose out of these public inquiries. The discussion on the No.1 and 20 Blackfriars Road public inquiry in chapter 6 shows that precedent decisions and precedents in terms of the visibility of tall building projects with planning consent provided certainty in the decision making. In summary, the reduction in constraints on tall building development in the LVMF has enabled developers to propose tall buildings visible within protected views but has failed to provide the degree of certainty needed to avoid public inquiry procedures.

Certainty in implementation processes

In the implementation processes, certainty was established mainly within pre-application discussions between the design team of No.1 Blackfriars Road and the GLA, CABE and the LB Southwark. Based on constructive criticism by decision makers and respective amendments to the design, these organisations chose to support the project, as is evident in assessment reports (GLA 2005e; 2007c; e; CABE 2005b; 2007a; LB Southwark 2006a; 2007a; b). The knowledge and expert advice provided by planning, public relations and townscape consultants, as well as the skill and willingness shown by architects to amend the design, were crucial for the success of the conflict resolution and the certainty resulting from this, as has been established in the previous chapters. Likewise, as has been established in section 4 of chapter 5, the most critical issues regarding No.1 Blackfriars Road were resolved in pre-application discussions prior to the planning meeting. Therefore, it can be concluded that certainty for the design team here depended to a higher degree on the pre-application discussions than on the planning meeting.

A significant amount of uncertainty arose for the design team of No.1 Blackfriars Road from the unresolved conflicts with heritage groups. Important interest groups such as the Westminster City Council (WCC) and the Royal Parks did not need to be included in the pre-application discussions. They were consulted by the LB Southwark after the planning application had been submitted (LB Southwark 2006a; 2007a; b). Furthermore, conflicts could not be resolved in pre-application discussions with English Heritage. Only after face-to-face negotiations between the developer of No.1 Blackfriars Road and leading English Heritage officers in late 2007 was a compromise agreement established. This agreement resulted in an increase in certainty since English Heritage withdrew its request for a call-in (English Heritage 2008b). The DCLG revised the call-in directions, determining that the Secretary of State had to follow call-in requests by English Heritage (DCLG 2008b). Therefore, the call-in threat by English Heritage represented the greatest source of uncertainty for the design team.

Despite the agreement reached with English Heritage, certainty could ultimately not be established. The reason for this, as I have argued in chapter 4, was the involvement of UNESCO in tall building planning in central London. Reports by the DCMS and UNESCO required heightened scrutiny of the No.1 Blackfriars Road, Doon Street Tower and Elizabeth House projects (DCMS 2007a; UNESCO 2007a). It appears that this, in conjunction with the call-in request by the WCC and the Royal Parks, was the reason for calling in No.1 Blackfriars Road despite English Heritage's agreement not to seek a call-in. In reports addressing the UNESCO critique, the national government agreed to scrutinise the planning processes of these projects in detail (DCMS 2007a). There was the option for the Secretary of State to refuse a call-in on the basis that No.1 Blackfriars Road did not depart from policies to a degree sufficient to warrant a call-in. This happened in the case of the Bishopsgate Tower (GOL 2006). However, the national government did not apply this measure in the case of No.1 Blackfriars Road. The most plausible explanation for this is the heightened pressure on the national government caused by UNESCO.

In summary, the London Plan policies are a trade-off in foregrounding and achieving the highest quality architecture and flexibility for developers of tall buildings against certainty. Certainty could be provided through a more precise determination of locations for tall buildings. However, such a measure would most likely result in smaller amounts of tall building proposals due to a lack of flexibility. Similarly, the reduction in

constraints on tall building development by the LVMF has increased the likelihood that such projects are granted planning permission. Despite this advantage for the design teams of tall buildings, the ambiguous nature of the QVA assessment in the LVMF has led to the circumstance whereby certainty regarding visual assessments has arisen gradually out of successive precedent decisions. Beyond doubt, the most significant source of certainty in implementation processes are the pre-application discussions. Even the conflict between the design team of No.1 Blackfriars Road and English Heritage was resolved there. Yet the pressure exerted by UNESCO on the national government negated the degree of certainty achieved and resulted in a public inquiry.

7.5 Required expertise versus conflicts of interest

This section discusses the impacts of the work done by private sector experts for the GLA as well as for English Heritage and CABE. The section starts by outlining the contributions that private sector experts have made to the work of these governmental and non-governmental departmental bodies. It is concluded that private sector expertise was indispensable for successfully drafting the London Plan and the LVMF. Furthermore, the assessment panels of CABE and English Heritage would not function appropriately without the contributions made by highly regarded private sector experts. However, the GLA as well as CABE and English Heritage have been subject to conflict of interest and bias allegations. It is argued that as a result of these allegations, governmental organisations have repeatedly had to defend their public accountability. Stricter codes of conduct to safeguard against the mere potential for conflicts of interest have been introduced. The section concludes that the accusations are a problem of perception rather than actual misconduct. Accusations have been based on the potential for conflicts of interest while proof of misconduct has not been produced.

The importance of private sector expertise for governmental bodies

The GLA depended on private sector expertise in the writing of the London Plan and the LVMF. The significant contribution by Lord Rogers of Riverside to the development of the London Plan is indisputable. As has been confirmed by Professor Grant from the Standards Committee, Lord Rogers' experience in having chaired the Urban Task Force was crucial for incorporating the principles of an urban renaissance into the London Plan (Brown 2001a). Furthermore, the GLA depended on private sector expertise in the development of the complex methods of visual assessment in the LVMF. In 2002, the consultancy, DEGW, was commissioned to produce a report defining visual assessments regarding tall buildings in London (DEGW 2002). In order to develop the necessary expertise in the field of three-dimensional visualisations and townscape assessments, John Hare and Richard Coleman were employed to produce the 2005 draft LVMF. Chris Miele and Karen Mc Allister were employed to produce the 2007 versions of the LVMF based on the criticism voiced in the consultation process. GLA officers managed the LVMF policy making process and edited the final document. Thus, it can be concluded that the London Plan and the LVMF could probably not have been successfully produced without the expertise provided by private sector experts.

The assessment processes within CABA's Design Review Panel (DRP) and English Heritage's London Advisory Committee (LAC) depend heavily on experts from the private sector. Private sector experts, such as architects and a range of consultants, allow for multidisciplinary assessment panels. The diversity of opinions that this brings to both the DRP and the LAC panels allows for assessments of tall building projects from the perspectives of architecture, urban design, heritage conservation and development. Both English Heritage and CABA have been criticised by aggrieved parties for being one-sided (House of Commons 2002). Thus, both CABA and English Heritage depend even more on this range of expertise to establish an objective basis for assessments. Furthermore, the expertise from experts with the highest reputations in England enhances the effectiveness of the assessment processes. As has been demonstrated in chapter 4, architects and consultants that are part of the DRP panel work on high end tall buildings themselves. Therefore, they are much more likely to spot potential insufficiencies in designs, in addition to being more resistant to the persuasive effects of skilfully developed presentation materials. Thus, private sector experts have made vital contributions to the assessment processes conducted by CABA and English Heritage.

Conflict of interest allegations and their impacts

The involvement of private sector experts has led to a series of allegations over potential conflicts of interest. The central role occupied by Lord Rogers was subject to fierce criticism by the Greater London Assembly and planning related media (Greater London Assembly 2001; Booth 2001; Taylor 2001). The criticism was picked up by academics who also doubted the independence of Rogers due to his involvement in tall building projects in London (Charney 2007). However, critics were not able to substantiate their claims and did not produce evidence of wrongdoing. Furthermore, it has been demonstrated in chapter 2 that the tall building projects in which Rogers' architectural practice, RRP, was involved did not get treated favourably by the GLA. However, the accusations led to heightened scrutiny of Rogers' involvement by the Standards Committee and to further definitions of Rogers' role at the GLA so as to avoid the mere potential for conflicts of interests (Brown 2001a; b). Thus, conflict of interest allegations regarding Lord Rogers' role at the GLA necessitated the need to defend the public accountability of the GLA.

The only instance of a potential conflict of interest allegation that I found in relation to the policy process of the LVMF is a consultation response regarding the Bishopsgate

Tower by Colvin and Moggridge on behalf of the Royal Parks. Therein they argued that the LVMF, based on which the Bishopsgate Tower was assessed, was written by a consultant involved in tall building development (Colvin and Moggridge 2005b). This involvement, they argued, resulted in a guidance that did not analyse the qualities of the townscape view from St James's Park (ibid.). However, no further consequences arose based on these accusations.

CABE and English Heritage have been subjected repeatedly to accusations of one-sidedness and bias, as well as conflicts of interests. English Heritage was criticised by SAVE Britain's Heritage and the Evening Standard journalist, Mira Bar-Hillel, for withdrawing their objections to 30 St Mary Axe in 1999 (SAVE Britain's Heritage 2008; House of Commons 2006). In the House of Commons inquiry, English Heritage's LAC was accused of having been high-jacked by architects (House of Commons 2002). Also at this inquiry, Sir Stuart Lipton, then the chairman of CABE, was accused of conflicts of interest due to his position as chairman of the development company, Stanhope (ibid.). Eventually, Lipton was again accused of conflicts of interest following a dispute with a Croydon councillor in 2004 which led to his resignation from his chairman position at CABE (House of Commons 2005). These accusations resulted in changes to the staff of CABE. As has been demonstrated in chapter 4, the leading positions at CABE have been diversified since 2006. In particular, the position of the chairperson of CABE has since been held by a person not related financially to interest groups, while representatives of the heritage sector have been appointed as commissioners of CABE (2007e; h; 2008a). Furthermore, architects have been appointed as English Heritage commissioners (DCMS 2007d). Based on these facts, it can be concluded that both CABE and English Heritage are rather vulnerable to accusations of conflicts of interest. Both organisations have struggled to maintain their credibility as independent advisors to the Secretary of State.

Measures to safeguard against conflicts of interest

The basis for documents setting out codes of conduct, including guidance on how to deal with potential conflicts of interest, arises from the 1997 Nolan Report. A check of the documents that set out the codes of conduct for the GLA, CABE, English Heritage and local boroughs revealed that all of these documents incorporate the Nolan principles. These codes of conduct documents are listed hereunder, including brief descriptions. The code of conduct of the Greater London Authority is applicable to the

Mayor of London, assembly members and every person working for or on behalf of the GLA (GLA 2008c). As is evident based on the comparison of several interviews, the LVMF process is and has been managed by GLA planning officers. Therefore, the experts writing the LVMF could not have advocated personal interests without the knowledge of the GLA. Local planning authorities (LPAs) are governed by the 2001 Local Authorities (Model Code of Conduct) (England) Order (OPSI 2001).

English Heritage and CABE, as departmental non-governmental bodies, have to adhere to national regulations such as Public Bodies 2009 (Cabinet Office 2009). Furthermore, English Heritage has published Standing Orders of the Commission and Committees (English Heritage 2005a) and CABE have set out regulations regarding conflicts of interest, in particular those of DRP panel members who are normally practising architects, as well as consultants or other private company members specialised in the built environment, in Design Review: How CABE evaluates quality in architecture and urban design (CABE 2006a). In addition, CABE uses the document, Managing conflicts of interest: Guidance for Commissioners, Staff and CABE Family, internally to provide detailed guidance for commissioners and staff members, as well as for further guidance for DRP panel members (CABE 2007i). As is evident, the GLA, CABE, English Heritage and local boroughs are using codes of conduct which are based on the Nolan principles of public life.

Perceptions of conflicts of interest as an issue in tall building planning

As has been shown above, the expertise provided by private sector experts was crucial for the development of the London Plan, the LVMF and for assessment processes within CABE's DRP and English Heritage's LAC. However, parties aggrieved by either the contents of policies or the decisions made by assessment panels have repeatedly made accusations over potential conflicts of interest. Crucially, proof of actual misuses of the positions held by experts has not been established. On the contrary, it has been established that experts have not misused their powers. Lord Rogers was subjected to detailed scrutiny by the Standards Committee (Brown 2001a). It has also been established that tall building projects designed by Lord Rogers' architectural practice, RRP, were not treated favourably by the GLA. Furthermore, the AHL report concluded that Sir Lipton had not misused his position as chairman of CABE (AHL Ltd 2004). Yet for that, codes of conduct and strict scrutiny have not been sufficient to avoid accusations of conflict of interest.

The Nolan Report concluded that in planning, it appears that the most problematic aspect is the 'public perception of impropriety' rather than actual cases of misconduct or even corruption (Nolan 1997a: 70). This conclusion of the Nolan Report from 1997 can be validated based on the discussion set out above. Aggrieved parties have developed positions of mistrust which have led to perceptions of conflicts of interest. It must thus be concluded that the codes of conduct applied by the GLA, CABE and English Heritage are not sufficient to safeguard public bodies from accusations of conflicts of interest. Therefore, it appears necessary to improve the codes currently used so that the perception of conflicts of interest can be minimised, if not avoided, prior to accusations being raised. One way forward might be to scrutinise private experts who hold key positions in public bodies to a greater extent from the outset. Independent experts from bodies, such as the Standards Committee, could be appointed to establish a level of heightened scrutiny that is adequate to the power inherent in key positions.

7.6 Conclusions

This chapter has brought together the conclusions from chapters 2 to 6. The purpose of the chapter has been to examine the key patterns that were identified as the most important factors for the effective functioning of tall building policy making and implementation in central London.

A lack of conflict resolution between supporters of tall buildings and heritage groups in the policy making processes of the London Plan and the LVMF was identified as one of the main causes for the increase in uncertainty for developers. The GLA reduced the constraints on tall building development through the 4B policies of the London Plan. The loose definitions of areas appropriate for tall buildings have provided flexibility for developers. At the same time, the loose definitions have also caused uncertainty about the acceptability of tall building projects at these locations. The planning process for No.1 Blackfriars Road was a case in point. Certainty about the appropriateness of the location arose only after a compromise agreement resulting from face-to-face negotiations between the developer and English Heritage officers.

The LVMF process has been characterised by an incremental marginalisation of heritage groups. View corridors were reduced in width in it. Qualitative language embodying heritage-based values for assessment was taken out of the management plan for the St James's Park view. Values of architectural quality were foregrounded. A rationale for assessments was introduced within which the application of precedent cases limited the ability of heritage groups to oppose new tall building projects. As a result, heritage groups opposed the introduction of these measures in consultation processes. However, their demands did not get taken into account to a satisfactory degree. The marginalisation of heritage groups through the policy making of the London Plan and the LVMF was one of the causes for the involvement of UNESCO in 2007 which severely increased uncertainty for developers.

Pre-application discussions have been the main source of conflict resolution in implementation processes. Using the exemplar of No.1 Blackfriars Road, it has been shown that conflict resolution with the GLA, CABE and LB Southwark was effective in pre-application discussions. The main reasons for that were: i) accessibility of decision makers for the design team; ii) knowledge and advice provided by expert consultants

within design teams; and, iii) the possibility to align the interests of the design teams with those of governmental and non-governmental departmental bodies. Conflicts with English Heritage only got resolved after an extended process. An adversarial relationship based on mutual mistrust and opposing interests made it impossible to resolve conflicts until autumn 2007. The ambiguous nature of the LVMF resulted in divergent assessments of the visual impact up to that point in time. Conflicts got resolved once the developer and English Heritage were able to identify a common interest in a compromise agreement. Thus, due to the effectiveness of the conflict resolution within pre-application discussions, these have been a significant source for producing certainty in tall building planning.

The visual assessment has proven to be the most controversial aspect of tall building planning in central London. It has been established in the cases in question that the different value sets held by the different interest groups in tall building development were the reason for divergent results in visual assessments. This was possible since a shared value basis for visual assessment had not been developed within the LVMF policy making process. The compromise attempted by the consultants writing the 2005 draft LVMF of seeking to develop such a shared value basis did not get established. The reason for this was that in the LVMF consultation process, supporters and opponents of tall buildings did not soften their radical positions. Therefore, the LVMF remained an ambiguous guidance document allowing for divergent assessment conclusions. Due to this ambiguous nature of the LVMF, tall building cases such as No.1 Blackfriars Road had to be decided within public inquiries which extended the planning processes by more than one year. Certainty arose gradually out of the successive precedent decisions.

Private sector expertise has been proven to be essential for governmental and non-governmental departmental bodies. The London Plan and the LVMF could not have been developed to the level of quality achieved without this expertise. The CABE and English Heritage assessment processes would not have reached the levels of objectivity and would not have resulted in such high quality tall building projects without the involvement of private sector experts. However, perceptions of conflicts of interests have not been managed sufficiently. Thus, accusations have arisen which challenged the public accountability of the GLA, CABE and English Heritage. In this respect, private sector experts need to be scrutinised to a greater degree before accusations are raised.

Increasing scrutiny first as a reaction to accusations is too late since by then the reputation of governmental bodies has already been damaged.

8. Conclusions

This thesis has examined the particular processes of policy making and implementation that occur in managing the visual impacts of tall building development in central London. The reason for this focus is the overarching conflict regarding the protection of central London's conservation areas, monuments and World Heritage Sites. These conclusions elaborate on the most important results of the thesis, addressing in turn the three research questions set out in the introduction. Thus, the key aspects of tall building planning will be summarised that have been identified as most crucial to the translation of the urban renaissance agenda into tall building policy, as well as the effectiveness of implementing those policies and the impacts of planning processes on visual impact assessments.

By answering the research questions and addressing the major issues of the planning processes for tall buildings in central London, the conclusions reached will—it is hoped—provide a starting point for a coherent debate regarding the management of the visual impact of tall buildings by extending the relevant existing research literature. Finally, an overview will be provided of the era since Ken Livingstone was elected Mayor of London in 2000—a left-leaning mayor in place when New Labour were in power nationally—and replaced by the conservative former MP Boris Johnson in 2008, just prior to the election of the Conservative Party nationally. In this changing political context, it will be discussed how far the issues raised in this thesis are likely to continue to be of primary importance in the next policy cycle. Finally, recommendations will be made regarding potential new research on tall building planning and how this may affect the visual impact of London's skyline in the future.

8.1 The translation of the urban renaissance into tall building policy

The urban renaissance agenda has been translated for the London Plan into a policy proactively encouraging tall building development (UNESCO 2006a; McNeill 2002a; Charney 2007; Tavernor 2004a; b, and 2007a; b). The reason for this, some have concluded, is that Mayor Ken Livingstone supported tall building development for financial reasons, which were supposed to be provided through significant contributions of affordable housing and other benefits through S106 mechanisms (Ross 2001; Thornley et al 2005; Gordon 2003; McNeill 2002a). Others have argued that aesthetic considerations were a major concern, in particular the vision of a world city image symbolised by tall buildings (Buck et al 2002; McNeill 2002b; Tavernor 2007a). The thesis confirms that both of these arguments are correct, and has gone further, asking how exactly the central values of architectural and urban design, and densification around transport nodes, have been translated into the tall building policies that relate to visual impact.

The primacy of quality of design in policy

In the London Plan, the quality of architecture and urban design has been determined as the top priority in its 4B design policies. However, this has not been due to the wishes of the mayor, or those of his architectural advisor Lord Rogers in support of tall building development, as has been argued by Charney (2007). Rather, the foregrounding of quality of design is a direct result of the policy hierarchy determined through the plan-led approach, as Tavernor has argued (2004a; 2007b). Regional and local policies were required to incorporate this approach, and highest quality of design had to be regarded as a primary consideration in the planning process. Previous policies primarily approached the visual impact of tall buildings as having a negative influence on urban configurations, and they were excluded from areas where potentially negative visual impacts would occur. The LVMF introduced an approach that managed visual impacts within protected views, with design quality the primary consideration.

Private sector expertise

Of particular importance for the London Plan policy process was the expertise of private sector experts. The wording of methodological guidance and management plans for

visual assessments has proven particularly difficult. Aspects of quality cannot be defined in absolute terms using numerical values. Consequently, the GLA employed a range of private sector experts charged with writing the London Plan and the associated London View Management Framework (LVMF). The involvement of private sector experts raises questions of conflicts of interest. The role of Lord Rogers in this process has been challenged repeatedly, and claims made of potential conflicts of interest and favourable treatment (McNeill 2002b; Charney 2007). Since there is no proof available to sustain these claims, it must be concluded that the concerns are based on perceptions of potential rather than actual conflicts of interest. The conclusion made by Polina (2007) and Tavernor (2004a), that Lord Rogers had been hired by the mayor due to his international experience and credibility is also valid.

Attempted conflict resolution

Due to the heightened conflicts regarding the visual impacts of tall building projects and the resulting public inquiries, attempts have been made to resolve conflicts through policy making. Compromise with heritage groups was sought by introducing value laden language, as the LVMF was formulated and derived from consultation processes. However, attempts to compromise failed. Both developers and heritage groups perceived the resulting policies to be insufficient in taking into account their interests.

The Guidance on Tall Buildings (GOTB), which was intended to streamline the advice of the Commission for Architecture and the Built Environment (CABE) and English Heritage, failed as a means of conflict resolution. It defined the remits of the two organisations but did not produce a resolution of conflicting expectations. The tendency was that the objectivity of English Heritage's advice was challenged when decisions were made that were incompatible with the interests of one or more of the interest groups. A streamlining of advice was achieved to a certain degree by changes to the leading staff at CABE by the Department for Culture, Media and Sport (DCMS).

Resulting marginalisation of heritage interests

Much of the discourse regarding methods for visual assessment focuses on technical aspects. The insufficiency of two-dimensional photographs to represent the three-dimensionality of actual human visual perception and the alleged potential for downplaying negative visual aspects of tall buildings have been identified as serious flaws in the visual assessment methods (Nicolaou 2004; Tavernor 2004a; Carmona et al

2010; Bosselman 1998; Day 2002; Stewart 2003). Yet the LVMF is based on this system, and I have demonstrated that the methods currently advocated in the LVMF needs to be optimised in order to overcome these shortcomings by incorporating depth of field, peripheral vision, immersion and multiple viewpoints.

However, even more important than these technical problems are the disadvantages faced by those less capable financially of using the visual assessment methods, and their consequent reliance on the findings of specialist consultants. The very high production cost and the inaccessibility of the 3D data usually exclude heritage groups and especially community groups from producing Accurate Visual Representations (AVRs) themselves. Thus, they are bound to make use of the AVRs produced by visualisation companies in conjunction with the townscape consultants and architects on behalf of the developer-client. Moreover, community groups are rarely able to afford the high level planning consultants who are needed to interpret policy on their behalf.

Furthermore, the foregrounding of the significance of quality in architecture, and the formulation of the London Plan and LVMF that supports tall building projects in appropriate locations, circumscribed the influence of heritage groups. The main assessors of design quality are CABE, the GLA and local borough planning officers – and not English Heritage. Likewise, as scholars have argued, the LVMF has made tall buildings permissible in the backgrounds of protected view corridors (Markham 2008; Kufner 2009; Craggs 2007). Also significant in this respect was the removal of value laden language that would have identified the historic significance of views, but which was deemed impractical by planners: instead, legal language was preferred which stressed the principle of precedence. As a result, heritage groups were compelled to reject the London Plan and the LVMF, including the measures contained for the assessment of tall buildings and their visual impacts, because they perceived the policy making as a coordinated attempt at marginalisation.

Ambiguity and uncertainty

In isolation, the marginalisation of English Heritage and others might suggest that the policies regarding visual assessment would ease the planning process of tall building projects. This has not proved to be the case. On the contrary, the ambiguity that remains in the implemented policies has only heightened the doubts – in the minds of heritage

groups and certain London boroughs (particularly the City of Westminster) regarding the acceptability of the visual impact of tall buildings.

The visual impact of tall buildings is intimately related to policies defining those locations considered appropriate for tall buildings. Allmendinger (2011) has made the general observation that a great deal of the current ambiguity is due to the policies produced under New Labour. In relation to the London Plan, Nicolaou (2004) and Tavernor (2007b) have concluded that locations appropriate for tall building development are defined too imprecisely. This thesis demonstrates the implications of these ambiguous definitions.

A significant amount of uncertainty arose from the imprecise and flexible definition of locations appropriate for tall building development. A flexible and ambiguous policy in the London Plan resulted on the one hand from developers' lobbyists, and on the other hand from Livingstone's wish that tall buildings should be built in greater numbers throughout central London. The local policies of individual London boroughs have been very clear in demonstrating support for tall buildings, as with the City of London, or limiting their building, as with the City of Westminster. Less decisive boroughs such as Southwark initially struggled to produce policy agreement locally. The resulting absence of a tall building policy defining appropriate locations in the London Borough of Southwark has led to an even higher degree of uncertainty amongst developers and decision makers.

The flexibility and ambiguity contained in regional and local policy documents provided the basis for the increase in tall building proposals. At the same time, however, design teams were facing the threat of not obtaining planning permission because it was difficult to prove the acceptability of tall buildings in locations for which clear boundaries had not been defined.

8.2 The effectiveness of London's planning system regarding tall buildings

An appropriate way to evaluate the effectiveness of tall building planning is to consider the goals set out by the urban renaissance agenda. The quality of design, densification around transport nodes and regeneration were primary objectives: the widespread introduction of large numbers of tall buildings was never advocated, while the protection of heritage assets was only a secondary goal (Urban Task Force 1999). Furthermore, reviews of the planning system and reports commissioned by national government have defined issues of how the planning system is ideally supposed to deliver desired outcomes (Nolan 1997a; DTLR 2001; Barker 2006b; Killian and Pretty 2008). These are: conflict resolution, inclusion, speed, objectivity and certainty. In the following paragraphs each of these issues are addressed in turn.

Design quality and S106

The purpose of this thesis is not to consider the quality of tall building projects being proposed and permitted in central London. Rather, the focus is on the circumstances and processes that have contributed to raising the quality of tall building design. In central London, as discussed at length with regards to No.1 Blackfriars Road and as shown through the discussions of GLA and CABE assessment processes and their outcomes, the quality of architecture and urban design has been judged by others to have been raised significantly. No.1 Blackfriars Road is one of many projects that have been redesigned several times over the course of several years to result in a greater quality in the urban surroundings in the form of public places, thoroughways and a balanced streetscape.

Of crucial importance for increasing the design quality of tall building projects is the heightened controversy regarding precedent cases and, resulting from that, the deep level of scrutiny that has been exerted by regional and local government, quangos and third parties. The high risk of failure to achieve planning consent if one or several of these bodies does not support a project has provided the basis for regional and local planning authorities to demand of developers and their architects that they redesign their projects and, at the same time, agree to higher S106 contributions. Thus, additional planning gains through S106 agreements and quality of design have been achieved in

cases in which there were heightened conflicts regarding visual impacts, and which were bound to set precedents for further tall building development.

The conflict resolution, lobbying and inclusion relationship

Conflict resolution takes place most effectively in the phase prior to the planning application submission. Governmental reports have repeatedly stressed that pre-application discussions should be used to a greater degree with all the statutory stakeholders, so that planning authorities and developers arrive at agreements prior to the planning application submission (DTLR 2001; Killian and Pretty 2008). Despite these measures, conflicts remain at regional and local levels. Eleven out of forty-four tall building cases had to be decided through public inquiries and appeals between 2000 and 2009 (see appendix 6).

One reason for these failures is that pre-application discussions have only been effective in resolving conflicts between developers and regional and local authorities as well as CABE. Conflicts have not been resolved with English Heritage and other regional and local interest groups. Those heritage and local interest groups that are not statutory consultees are not included in pre-application discussions. The results of this exclusion are accusations by opposition political parties in the Greater London Assembly of secret decision making rather than conflict resolution (Greater London Assembly 2002).

The issue of lobbying is intimately related to conflict resolution. Existing research has identified lobbying as a critical issue regarding the London Plan policy making with privileged access to the mayor and leading officers being provided to developers (Gordon 2003; Thornley et al 2002) and through the LDA (Travers 2004; Thornley et al 2005). The discussions of GLA, Southwark and CABE pre-application processes have shown that developers' design teams have good access to high level decision makers. Thus, these parties are able to discuss and resolve conflicts. Public relations and planning consultants, as well as architects, provide useful information and contacts with politicians and leading planning officers on behalf of developers. Importantly, the discussions that take place are not transparent. Often, the PR agencies that are most frequently hired by developers for tall building projects include former members of local and regional government. It is likely, therefore, that lobbying of networks of former colleagues and perhaps friends occurs, which places those outside such networks at a disadvantage. It appears that lobbying regarding specific planning projects is an

under-researched area, but it remains an important one if accusations of secrecy and any suspicion of corruption are to be eliminated.

Community groups and other representatives of residents are not able to afford high level lobbying agencies, and they are unlikely to have the resources to offer significant financial gains in negotiations with planning authorities. This confirms Hall's (2002) general conclusion on the planning system that the financially able profit from greater inclusion, while those less financially able are disadvantaged.

The planning decision speed, conflict resolution and policy relationship

Increasing the speed at which planning decisions are taken has been a primary goal defined by national government and reports (DTLR 2001; Barker 2006b). Planning regarding tall buildings in central London has been rather inefficient in this respect. Planning processes for tall building projects tend to take between three and four years from the inception of a project to the planning application submission. A public inquiry or appeal process tends to add another one to one and a half years to the planning process (see appendix 6). This is particularly the case with important precedent projects that are subject to heightened conflicts and which have to be called in by the Secretary of State.

Despite the time added to the planning process, public inquiries are a very effective mode of conflict resolution. This is particularly so in precedent cases in which heightened scrutiny is appropriate because they tend to be the ones that initiate new clusters of tall buildings and set the standards for the design quality of subsequent projects nearby. Furthermore, there is evidence of a very high level of objectivity and consistency in decision making. However, public inquiry processes can only be as good as the policies available for use in decision making. Thus, if policies remain ambiguous, there is great leeway in decision making here. Moreover, other material considerations can be considered to be of greater importance than policy requirements. This tends to lead to case-by-case decision making, causing a great amount of uncertainty for developers and other interest groups. If a greater amount of pressure is exerted by powerful interest groups such as UNESCO, then the Secretary of State is more likely to call in the project for public inquiry.

Objectivity in assessments and decision making

Decisions and assessments can potentially be influenced in an inappropriate manner through skilfully developed arguments by experts and persuasive presentation materials. This point has been raised generally (Carmona 1998a; Carmona et al 2010), and specifically in relation to the CABE Design Review Panel (DRP) (Parnaby and Short 2008), as well as with regard to townscape assessments (Stewart 2003). Indeed, all of these points are valid. The spaces in which public inquiries are conducted tend to be used as exhibition spaces for visualisations and models that contain information which presents projects to their best advantage. Further guidance regarding this issue is needed. However, architect-inspectors in particular are likely to be mostly immune to any graphic persuasion unsupported by design quality.

Lobbying efforts that take place away from public scrutiny are vulnerable to efforts of persuasion. Politicians isolated from their own professional experts are usually unable to evaluate the validity of design issues and the complex argumentation used by private sector experts promoting the acceptability of tall building proposals. In addition, the production of the materials by which the acceptability of tall buildings is assessed is contracted out to expert consultants, as Allmendinger (2011) has demonstrated. A presumption that assessments are entirely objective is unfounded, since the consultants producing assessments are employed by the developers of the proposals being assessed. The reputation of high level consultants would be compromised if they failed to support the developer's team when seeking a planning consent.

Assessment processes conducted by CABE DRP and English Heritage's London Advisory Committee (LAC) appear to be based on a rather high degree of objectivity due to the interdisciplinary and diverse nature of the assessment panels. This ensures that all of the relevant disciplines are represented. Changes to leading staff at CABE through the interventions of DCMS have contributed to increasing the level of apparent objectivity. Further, the expertise brought to these processes by private sector experts, who are themselves involved in similar projects, is crucial to avoid being overly swayed by persuasive presentation materials or arguments. Objectivity is further enhanced by decoupling the panel assessments from the drafting of the final written advice.

Serious accusations over conflicts of interest have been raised where assessment results were contrary to the aspirations of interested parties. In the case of Lord Rogers' role in

relation to his advisory position at the GLA, independent scrutiny by the Standards Committee has proved to be an effective means of safeguarding objectivity and propriety. The codes of conduct as used by governmental organisations have proved insufficient for avoiding accusations of misconduct due to the involvement of private sector experts. However, proof of actual wrongdoing has not been established. Thus, it has been concluded that the problem is one of perception, which is due to the existence of the potential for actual conflicts of interest.

8.3 Impacts of the planning process on visual assessments

Processes of policy making and implementation have had significant impacts on the management of visual impacts in central London. Importantly, implementation processes—pre-application discussions and planning decisions—have influenced emerging policy and decision making regarding future projects. Research into town planning in England and Wales has stressed repeatedly that policy making and implementation are interdependent (Barrett and Fudge 1981; Allmendinger 2003). It has been argued that within the plan-led approach, the duality between discretion and prescription creates an 'unhappy ideological conflict' (Tewdwr-Jones 2002: 84). The following section discusses how tall building projects and visual assessments have been affected by early-on agreements, unresolved conflicts and issues of precedence, as well as the resultant impact on emerging policy and implementation processes.

Impacts of early-on agreements on emerging regional policies

The meaning of the central policies regulating tall building development—the London Plan and the LVMF—has been shaped to a significant degree by the planning processes regarding tall building projects which were decided during the policy making processes and prior to finalising the policies. The emerging London Plan was influenced by the agreement of the GLA to support tall building projects which were already in planning between 2000 and 2002, with the 2001 interim guidance suggesting that the tall buildings proposed at that time were appropriately designed and located. The 2002 Draft London Plan sought to legitimate the whole of the CAZ as appropriate for tall buildings, thus seeking to provide flexibility to developers and enable them to propose tall buildings at a large number of locations. The finalised 2004 London Plan confirmed the Opportunity Areas and the primacy of the value of quality of design. The Draft Further Alterations to the London Plan (FALP) reacted to agreements made by the GLA to support tall buildings in the northern parts of Southwark and Lambeth by introducing an Opportunity Area spanning along the south bank of the River Thames from London Bridge towards Vauxhall. These policy developments allowed design teams to argue that the projects they proposed were acceptable in terms of their location despite the visibility of the tall buildings proposed in regionally protected views.

Moreover, the LVMF was shaped under the leadership of Mayor Ken Livingstone in its earliest versions to reduce the constraints on tall building development by narrowing the

width of view corridors, strengthening the weight of architectural and urban design quality over heritage considerations, and by producing wording to be used for assessments which allowed the conclusion that tall building projects which had been proposed during the drafting of the LVMF were appropriate (GLA 2005a; 2007a; 2007b). The results of pre-application discussions thus had causal effects on the making of policies and also on how the visual impact of tall buildings was assessed. Following his election, Mayor Boris Johnston subsequently reasserted the pre-Livingstone view corridor widths in the recent edition of the LVMF (GLA 2010a).

In the light of these impacts, the current concept of prematurity needs to be questioned. Planning decisions are regarded as premature if they are taken prior to the finalisation of an emerging policy, the meaning of which would be predetermined by the planning decision (ODPM 2005a). Agreements by decision makers in pre-application discussions are not planning decisions. However, their impact on policy has been proven in sections 2.5, 4.2, 5.2. Policies regarding visual assessments and locations of tall buildings have been predetermined by pre-application discussions. These have led to the shaping of policies such that it can be argued that tall building projects are acceptable in terms of their locations and visual impacts.

Impacts of unresolved conflicts on the management of visual impacts

Conflicts regarding the pro-active stance of the London Plan and the LVMF towards tall building development could not be resolved in the policy making processes. Rather, policies were shaped so as to reduce the constraints on projects that had already achieved agreement by regional and local decision makers. As a result of this, conflicts have tended to centre on the planning processes associated with the precedent cases. These are those cases that either established or enlarged potential new clusters of tall buildings. In most cases, the visual impact on just a few significant views was the focus of debate in public inquiry processes.

The increase in antagonistic interaction among competing parties has caused planning processes to be ineffective. Heritage groups have interpreted the formulation of policy regarding tall buildings to be a coordinated attempt to marginalise their influence, and they have sought alternative tactics in order to prevent the granting of planning permission for tall buildings with—what they consider to be—negative visual impacts on significant heritage assets. Developer teams on the other hand have raised concern

that heritage groups are likely to oppose their projects for tall buildings as a matter of principle, and have consequently limited their exposure to a negative response, engaging only with those parties that policy requires them to. Simultaneously, developer teams have been known to engage in bargaining tactics with English Heritage and to use the greater financial muscle of the developer: with heritage groups being likely to withdraw their objections because of their financial inability to conduct multiple public inquiries unless supported by a wealthy neighbouring borough affected by the proposals (such as WCC in the case of proposals in Lambeth and Southwark) (PINS 2008; 2009a).

In combination, the gradual marginalisation of heritage groups through pro-active tall building policies and the growing numbers of tall building projects having a potentially negative visual impact on nationally and regionally significant heritage assets and WHSs have culminated in the involvement of UNESCO which has threatened to de-list the Westminster and the Tower of London WHSs. The precise impact of experts from ICOMOS and regional interest groups on the involvement of UNESCO is unknown. Pendlebury and Short (2009: 357) argue that 'weaker local conservation interests' tend to call in UNESCO as an ally in order to safeguard the integrity of heritage assets, but the processes of communication and interaction are not transparent.

The involvement of UNESCO had significant effects on policy and implementation. Regional policies were strengthened in terms of WHS protection. However, amendments to policies failed to produce certainty about the appropriateness of projects with potentially negative visual impacts on a WHS. The likelihood of a call-in for precedent cases rose dramatically, finally resulting in public inquiries regarding all the projects mentioned in WHS related reports (PINS 2008; 2009a; 2009b).

Impacts of precedence on policy and visual impact assessments

The issue of precedence has had significant impacts on the visual assessments, and indeed on tall building planning in central London as a whole. In the principal precedent cases regarding the Heron and London Bridge towers, it was argued by heritage groups in public inquiries that these decisions would pre-determine emerging regional and local policy (PINS 2002a; 2003). However, planning inspectors reasoned that pre-maturity was not the case (*ibid.*). With hindsight, it is evident that these decisions did indeed set precedents, with the Heron Tower for the enlargement of the Eastern Cluster in the City of London and perhaps also for the acceptability of tall buildings in central London

more generally – its success at the inquiry opening the flood gates for subsequent tall building applications. For the acceptability of tall buildings south of the River Thames, the Vauxhall Tower Inquiry and London Bridge Tower Inquiry were significant, even despite the visibility of both towers in views of international and national significance, which EH regarded as severely negative (PINS 2003; 2004a).

The concept of visual precedent—the visibility of tall building projects that have been built or that have achieved planning consent—appears particularly important regarding planning processes that occur subsequently to important precedent cases. Based on such precedent cases, tall buildings have since been proposed at Blackfriars, Waterloo and Vauxhall, and the planning consents regarding these projects have set precedents for potential clusters there. Crucially, these projects taken together are visible from a large number of nearby conservation areas and also from the Westminster WHS (in relation to Vauxhall and Waterloo) and Tower of London WHS (London Bridge and the Eastern Cluster in the City of London). Due to the principle of consistent decision making it will be very hard if not impossible for future decision makers to prevent new tall building projects which may incrementally enlarge clusters where these have been started. If built, these projects are likely to agglomerate over time to establish large parts of central London as tall building areas separated only by conservation areas.

The related issues of precedence and potential prematurity give rise to doubts about the successful application of the plan-led approach. Planning decisions have the status of material consideration in future planning processes. Certainty about how policies regulating the visual impact of tall buildings are to be interpreted has arisen gradually out of the precedent decisions determined in public inquiry cases.

8.4 Managing visual impacts of tall buildings beyond the Livingstone era

There are two major changes to regional planning in London and nationally which merit discussion in relation to the findings of this thesis. First, Mayor Ken Livingstone's successor Boris Johnson has revised the central policies of the London Plan and the LVMF since being elected in 2008. Second, the more recently elected conservative government (elected 2010) has reformed the planning system through the Localism Act. Its primary thrust is to concentrate planning powers at local levels (The Stationary Office 2011). Based on the approach of Localism, central national planning policy is currently being reformed. The Draft National Planning Policy Framework (Draft NPPF) integrates the various planning policy statements of the former Labour administration into one single document and advocates a strong position in favour of economic development (DCLG 2011). This final concluding section will consider the relevance of the results of the thesis in relation to this emerging approach to planning.

Tall building planning under the Johnson mayoralty

Mayor Boris Johnson has revised both the London Plan and the LVMF. Quality of design has been retained as the overarching value in planning (GLA 2011a). As determined in the revised 2011 London Plan, new tall building development will be encouraged only in the Opportunity Area of Vauxhall, Nine Elms and Battersea (ibid.). Heritage protection has indeed been strengthened, in particular through the revised 2010 LVMF. In the management plan for the protected St James's Park view, for example, it is stated that new development beyond Duck Island (and therefore in north Lambeth near Waterloo and Southwark near Blackfriars) will not only be detrimental to the view, but should normally be refused (GLA 2010a). The consultants employed to produce this revised LVMF were Hare and Coleman, who prepared the 2005 Draft LVMF, and who provided consistency for the new mayor as well as a return to increased planning constraints.

Despite the new planning restrictions and the recurring global financial crisis of recent years, tall buildings have since been proposed in the northern areas of Southwark and Lambeth and they have been supported by the GLA. 40-46 Weston Street (also known as 'The Quill') has been supported despite its visual impact on the Tower of London

WHS and objections by English Heritage and Historic Royal Palaces (GLA 2010b). King's Reach Tower, Wedge House and 231-241 Blackfriars Road have been supported by the GLA and will enlarge the cluster established in the Blackfriars area, based on the precedents set by No.1 and 20 Blackfriars Road (GLA 2011 b; c; d). Future research might usefully focus on the impacts of precedents, how these are used in the new planning system, and whether the clusters that have been started will be enlarged even further.

It appears that conflicts between regional government and heritage interests remain topics of concern. UNESCO announced a new mission to London in December 2011 (Liverpool City Council 2011). The DCMS has mentioned projects in the vicinity of London Bridge, across the River Thames from the Tower of London WHS, as potential issues (DCMS 2011a). Due to the reoccurrence of the problem of visual impacts on WHSs, UNESCO has recently published a document which provides for the international regulation of visual impacts on heritage assets (UNESCO 2011). In accordance with this, the mayor's administration has produced a draft SPG, London World Heritage Sites – Guidance on Settings, published for consultation in 2011 (GLA 2011e). This document seeks to integrate the UNESCO approach to assessment, based on the concepts of Outstanding Universal Value, integrity and authenticity, into London's regional policy framework (ibid.). Whether or not London's revised regional policy can provide for a higher degree of certainty by adopting a more restrictive approach is another important topic for future research.

The emergence of Localism and the National Planning Policy Framework

A dramatic change to the national planning system will arise with the advent of Localism. The general thrust of the 2011 Localism Act, developed by the conservative government, is decentralisation: the transfer of governmental powers from the national to the local level (The Stationary Office 2011). Pertinent novelties introduced by the 2011 Localism Act relating to the management of the visual impact of tall buildings are: the abolition of the Standards Committee, the transferral to local councils of the responsibility to monitor propriety, and the introduction of neighbourhood plans and increased potential powers for local people in influencing those plans (ibid.). Moreover, regional authorities have been abolished with the exception of London (ibid.). This particular change will therefore not affect planning in London.

It cannot be assessed as yet how vulnerable regional and local levels will be to the lobbying efforts of interest groups. However, regulation demanding a greater degree of transparency has not yet been produced. It is likely that parties less financially able will remain disadvantaged in making representations to political decision makers. Although the inclusion of all members of the community continues to be stated as an issue of prime importance, measures to establish equality in interest representation have yet to be produced. Importantly, objectivity in assessments and decision making is very likely to be more difficult to maintain. This is because the budget of English Heritage is set to decrease by 32% over the next years (DCMS 2010) and CABE has been merged with the Design Council and will cease to be a quango (DCMS 2011b). Due to these changes, it should be assessed how well the Design Council CABE and English Heritage will continue to be able to function as the guardians of design quality and heritage. Moreover, the Standards Committee has been abolished through the Localism Act (The Stationary Office 2011). The responsibility to monitor propriety of public employees has now been granted to local councils (ibid.). Whether the Nolan principles (Nolan 1997a) will be upheld is an important question to ask.

Somewhat contradictory to the proposed increase in powers at the local level is the recent DCLG publication of the Draft NPPF. This proposed policy document highlights sustainable development which is supposed to be the overriding value against which development projects should be assessed (DCLG 2011). However, the Environmental Audit Committee concluded that the meaning of sustainable development is insufficiently defined, a claim supported by the Royal Town Planning Institute (RTPI), the National Trust (EAC 2011a; b) and Lord Rogers who strongly criticised the proposed NPPF in the House of Lords (House of Lords 2011).

If the conclusions of this thesis are also valid for planning under Localism, then the ambiguous definitions of central planning values will most likely lead to an increase in uncertainty regarding determinations of the appropriateness of tall buildings. I share the concern of Lord Rogers who argued that the generalities included in the proposed Draft NPPF increase the risk that planning decisions are likely to be determined through legal rather than planning means. As has been shown in this thesis, ambiguous policy allows for great flexibility in interpreting policy for the private sector. At the same time, it will be very hard to establish a strong basis for refusing development that is deemed inappropriate by planning authorities. If planning permission is refused, high level

experts and barristers are likely to produce evidence for the acceptability of controversial projects based on the ambiguity contained in the Draft NPPF.

These measures could severely restrict the powers of planning authorities to demand improvements and to refuse planning applications. Since the thesis has concluded that quality of design and high S106 obligations resulted from heightened controversy and the subsequent heightened scrutiny, it appears less likely that the Draft NPPF will allow planning authorities and advisors to remain effective in safeguarding these important aspects of the urban renaissance.

It is evident, therefore, that the principal findings of this thesis of weaknesses in conflict resolution, ambiguity in regulation, privileged influence of the private sector, the marginalisation of weaker groups and the Nolan principles will remain issues of concern in the management of visual impacts on regionally protected views in London. It remains to be seen whether the successful aspects of achieving design quality, obtaining high S106 contributions and objectivity in assessments can be sustained. In any case, a gradual tightening of policy and guidance will be necessary to improve the weaknesses and ensure that those planning processes which appear to work well continue to do so.

Bibliography

Abowd, G. D.; Mynatt, E. D.; Rodden, T. (2002). The Human Experience. *IEEE pervasive computing* **1** (1): 48-57

AHL Ltd (2004). *Commission for Architecture and the Built Environment-Audit of Conflicts of Interest June 2004*. London: The Stationary Office

Albers, G. (2001). Beobachtungen zur Situation der Stadtplanung in Grossbritannien, *disP – The Planning Review*, 145 (2/2001)

Allmendinger, P. (2011). *New Labour and Planning: From New Right to New Left*. Abingdon: Routledge

Allmendinger, P. (2003). From New Right to New Left in UK Planning, *Urban Policy and Research*, **21** (1): 57–79, 2003

Allmendinger, P.; Tewdwr-Jones, M. (1997). Post-Thatcherite Urban Planning and Politics: a Major Change?, *International Journal of Urban and Regional Research*, **21** (1): 100-116

Ayton, R. (2008). *City of Westminster, Planning and City Development Department, Town and Country Planning Act 1990 – Section 77, Town and Country Planning (Inquiries Procedure) (England) Rules 2000, Appeal 1, Application by Beetham Landmark London Ltd, Land at: Land bounded by Blackfriars Road, Stamford Street, Rennie Street & Upper Ground, London SE1 9UF, Appeal 2, Application by Blackfriars Ltd, Land at: 20 Blackfriars Road, London SE1 9NY*. London: Westminster City Council

Azuma, R.T.; Baillet, Y.; Behringer, R.; Feiner, S.; Julier, S.; MacIntyre, B. (2001). Recent Advances in Augmented Reality, *Computer & Graphics* **November 2001**

Azuma, R. T. (1997). A Survey of Augmented Reality. *Presence: Teleoperators and Virtual Environments* **6** (4): 355-385

Ball, M. (2008). *Statement of case on behalf of Waterloo Community Development Group in connection with an application by Beetham Landmark London Ltd for planning permission for the development of land bounded by Blackfriars Road, Stamford Street, Rennie Street & Upper Ground, London SE1 9UF*. London: Waterloo Community Development Group

Banwell, R. (2008a). *Opening Statement on behalf of Westminster City Council and the Royal Parks*. London: Chambers of Stephen Hockman QC

Banwell, R. (2008b). *Closing Submissions on behalf of Westminster City Council and the Royal Parks*. London: Chambers of Stephen Hockman QC

Bar-Hillel, M. (2005). Fight over Tate tower goes to Euro court, *London Evening Standard*, 4 May, available online @ <http://www.thisislondon.co.uk/news/article-18349322-fight-over-tate-tower-goes-to-euro-court.do> (accessed: 09/09/2010)

Bar-Hillel, M. (2004). Go-ahead for Tate tower, *London Evening Standard*, 12 July, available online @ <http://www.thisislondon.co.uk/news/article-11910264-go-ahead-for-tate-tower.do> (accessed: 09/09/2010)

Bar-Hillel, M. (2002). Mayor's architect in new tower row, *London Evening Standard*, 18 February, available online @ <http://www.thisislondon.co.uk/standard/> (accessed: 25/08/2010) (No longer available online)

Bar-Hillel, M. (2001a). Wonky start for tallest building, *London Evening Standard*, 12 January, available online @ <http://www.thisislondon.co.uk/news/article-943123-wonky-start-for-tallest-building.do> (accessed: 10/03/2010)

Bar-Hillel, M. (2001b). Tower topples views of St Paul's, *London Evening Standard*, 16 January, available online @ <http://www.thisislondon.co.uk/news/article-942821-tower-topples-views-of-st-pauls.do> (accessed: 10/03/2010)

Bar-Hillel, M. (2001c). The battle of the tower blocks, *London Evening Standard*, 22 May, available online @ <http://www.thisislondon.co.uk/home/article-912090-the-battle-of-the-tower-blocks.do> (accessed: 10/03/2010)

Bar-Hillel, M.; Shah, D. (2001). Fury as Mayor appoints Rogers, *London Evening Standard*, March 21, available online @ <http://www.thisislondon.co.uk/standard/> (accessed: 25/08/2010) (No longer available online)

Barker, K. (2006a). *Barker Review of Land Use Planning, Interim Report – Analysis*. London: Her Majesty's Stationery Office

Barker, K. (2006b). *Barker Review of Land Use Planning, Final Report - Recommendations*. London: Her Majesty's Stationery Office

Barrett, S.M.; Fudge, C., (eds) (1981) *Policy and Action: Essays on the Implementation of Public Policy*. London: Methuen and Co.

Beetham Organization (2005). *£500M Landmark building planned by Beetham Organization and international hotelier*. Liverpool: Beetham Organization

Bevan, S. (2008). *Proof of evidence by Simon Bevan BA MA MRTPI Applications called in by the Secretary of State 1 and 20 Blackfriars Road*. London: London Borough of Southwark

Beaverstock, J. V.; Taylor, P. J.; Smith, R. G. (1999). A roster of world cities, *Cities*, **16** (6): 445-458

Bircham Dyson Bell LLP (2008). *Claim Form (CRP Part 8) Claim No. CO/9216/2008*. London: Bircham Dyson Bell LLP

Blackler, Z. (2004). Bias allegation hits CABE, *The Architect's Journal*, 18 March, available online @ <http://www.architectsjournal.co.uk/> (accessed: 14/03/2010)

Bosselmann, P. (1998). *Representations of places: reality and realism in city design*. Berkeley: University of California Press

Booth, R.(2001). Conflict fears hit Rogers' GLA role, *The Architect's Journal*, 25 January, available online @ <http://www.architectsjournal.co.uk/> (accessed: 14/03/2010)

Böhm-Ott, S. (2000). Aspekte der Bodenverwertung am Finanzplatz Frankfurt am Main, in Rodenstein, M. (Ed.) *Hochhäuser in Deutschland: Zukunft oder Ruin der Städte?* (pp. 71-83). Stuttgart: Verlag W. Kohlhammer

Brooks, F. P. (1999). What's real about virtual reality?, *IEEE computer graphics and applications* **19** (6): 16-27

Brown, R. (2001a). *Subject: Richard Rogers' contract, Report Number: 6*. London: Greater London Authority

Brown, R. (2001b). *Appendix 2: Monitoring of Richard Rogers' contract*. London: Greater London Authority

Buck, N.H.; Gordon, I.R.; Hall, P.G.; Harloe, M.; Kleinman, M. (2002). *Working Capital: Life and Labour in Contemporary London*. London: Routledge.

CABE; Commission for Architecture and the Built Environment (2009a). *Design Review: Principles and Practice*. London: CABE

CABE; Commission for Architecture and the Built Environment (2008a). *CABE Annual Report 2007/08 Financial statements and accounts*. London: CABE

CABE; Commission for Architecture and the Built Environment (2007a). *1-10 Blackfriars Road (2)*. London: CABE
available online @ <http://www.cabe.org.uk/design-review/1-10-blackfriars-2> (accessed: 05/08/2008)

CABE; Commission for Architecture and the Built Environment (2007b). *20 Blackfriars Road*. London: CABE
available online @ <http://www.cabe.org.uk/design-review/20-blackfriars-road> (accessed: 05/08/2008)

CABE; Commission for Architecture and the Built Environment (2007c). *CABE people: Design review panel*. London: CABE
available online @ www.cabe.org.uk/default.aspx?contentitemid=163 (accessed: 21/02/2007)

CABE; Commission for Architecture and the Built Environment (2007e). *Statement of case on behalf of the Commission for Architecture and the Built Environment – Application by Coin Street Community Builders for full planning permission for the redevelopment of the land bounded by Upper Ground and Doon Street, east part of site (adjacent to Cornwall Road) London*. London: CABE

CABE; Commission for Architecture and the Built Environment (2007f). *Letter from CABE to Ian Simpson (30 January 2007)*. London: CABE

CABE; Commission for Architecture and the Built Environment (2007g). *Doon Street*. London: CABE
available online @ <http://www.cabe.org.uk/design-review/doon-street> (accessed 23/11/2009)

CABE; Commission for Architecture and the Built Environment (2007h). *CABE Annual Report 2006/07 Financial statements and accounts*. London: CABE

CABE; Commission for Architecture and the Built Environment (2007i). *Managing conflicts of interest: Guidance for Commissioners, Staff and CABE Family*. London: CABE

CABE; Commission for Architecture and the Built Environment (2007k). *Elizabeth House*. London: CABE
available online @ <http://webarchive.nationalarchives.gov.uk/20110118095356/http://www.cabe.org.uk/design-review/elizabeth-house> (accessed 30/04/2011)

CABE; Commission for Architecture and the Built Environment (2006a). *Design Review: How CABE evaluates quality in architecture and urban design*. London: CABE

CABE; Commission for Architecture and the Built Environment (2006b). *How to do design review: Creating and running a successful panel*. London: CABE

CABE; Commission for Architecture and the Built Environment (2005a). *DR/L/28/2981 Southwark, 1-10 Blackfriars Road*. London: CABE

CABE; Commission for Architecture and the Built Environment (2005b). *DR/L/29/3262 Southwark, 1-10 Blackfriars Road*. London: CABE

CABE; Commission for Architecture and the Built Environment (2005c). *Southwark: 20 Blackfriars Road and Paris Garden*. London: CABE

CABE; Commission for Architecture and the Built Environment (2005d). *DIFA Tower (1)*. London: CABE
available online @ <http://www.cabe.org.uk/design-review/difa-tower-1> (accessed: 23/02/2011)

CABE; Commission for Architecture and the Built Environment (2005e). *Kings Reach*. London: CABE
available online @ <http://www.cabe.org.uk/design-review/kings-reach> (accessed: 23/02/2011)

CABE; Commission for Architecture and the Built Environment (2003a). *122 Leadenhall Street*. available online @ <http://www.cabe.org.uk/design-review/122-leadenhall-street> (accessed: 23/02/2011)

CABE; Commission for Architecture and the Built Environment (2000). *Heron Bishopsgate Tower*. available online @ <http://www.cabe.org.uk/design-review/heron-bishopsgate-tower> (accessed: 23/02/2011)

- Cabinet Office (2009). *Public Bodies 2009*. London: Cabinet Office
- Carmona, M., Heath, T.; Oc, T.; Tiesdell, S. (2010). *Public Places Urban Spaces: The Dimensions of Urban Design*. Oxford: Architectural Press
- Carmona, M. (1998a). Design Control—Bridging the Professional Divide, Part 1: A New Framework, *Journal of Urban Design*, **3** (2): 175-200
- Catchpole, T. (1987). *London Skylines: A Study of High Buildings and Views, Reviews and Studies Series*. London: London Research Centre
- City of London (2002). *The City of London Unitary Development Plan 2002*. London: City of London
- City of Westminster (2007a). *City of Westminster Unitary Development Plan adopted 24 January 2007*. London: City of Westminster
- City of Westminster (2007b). *Statement of case for One Blackfriars Road and 20 Blackfriars Road*. London: City of Westminster
- Charney, I. (2007). The politics of design: architecture, tall buildings and the skyline of central London, *Area*, **39** (2): 195-205
- Colin Buchanan and Partners (2008). *The economic impact of high density development and tall buildings in central business districts*. London: British Property Federation
- Colvin and Moggridge (2005 a). *SPG London View Management Framework – The Royal Parks’ Response*. London: Royal Parks
- Colvin and Moggridge (2005b). *22-24 Bishopsgate, 38 Bishopsgate (Crosby Court) and 4 Crosby Square, London EC2N 4BQ*. London: Royal Parks
- Colvin and Moggridge (2001). *Sky space around London’s inner parks: A contribution to the Greater London Authority’s new Spatial Development Plan*. London: The Royal Parks
- Council on Tribunals (2006). *Framework of Standards for Tribunals*. London: Council on Tribunals
- Council on Tribunals (1997). *Tribunals: their Organisation and Independence*. London: Council on Tribunals
available online @ <http://www.council-on-tribunals.gov.uk/publications/126.htm>
(accessed on 05/08/2010)
- Craggs, D. (2007). *Building an Image: Architectural Imagination and London Bridge Tower* (Master’s thesis submitted to King’s College London). London: King’s College London
- Crook, A. D. H.; Dunning, R.; Ferrari, E. T.; Henneberry, J. M.; Watkins, C. A.; Burgess, G.; Lyall Grant, F.; Monk, S.; Whitehead, C. M. E.; Rowley, S. (2010). *The incidence, value and delivery or planning obligations in England in 2007-2008*. London: Department for Communities and Local Government

Crookshank Hilton, R. (2008). *APP/A5840/V/08/1202839 + APP/A5840/V/1203024 Blackfriars Road , SE1*. London: Crookshank Hilton

Cullingworth, B.; Nadin, V. (2006). *Town and Country Planning in the UK: Fourteenth Edition*. London: Routledge

Day, A. (2002). Urban visualization and public inquiries: the case of the Heron Tower, London. *Information Technology*, **6** (3): 363-372

DCLG; Department of Communities and Local Government (2011). *Draft National Planning Policy Framework*. London: DCLG

DCLG; Department of Communities and Local Government (2010). *Planning Policy Statement 15: Planning for the historic environment*. London: Department of Communities and Local Government

DCLG; Department of Communities and Local Government (2009a). *Town and Country Planning Act 1990 - Section 77, Applications by Beetham Landmark London Limited and Blackfriars Limited, 1 and 20 Blackfriars Road, London, SE1, Application Refs: 06-AP-2117 AND 07-AP-0301*. London: Department of Communities and Local Government

DCLG; Department for Communities and Local Government (2009b). *Town and Country Planning Act 1990 – Section 77 Application by Elizabeth House GP LLC: Elizabeth House, 39 York Road, London SE1 7NQ Application: REF 07/02628/FUL*. London: DCLG

DCLG; Department for Communities and Local Government (2009c). *Review of 'Call-In' Directions, Government response to consultation replies*. London: Department of Communities and Local Government

DCLG; Department of Communities and Local Government (2008a). *Town and Country Planning Act 1990 - Section 77, Application by Coin Street Community Builders, Land Bounded By Doon Street, Cornwall Road And Upper Ground, London SE1, Application: Ref 05/03498/FUL*. London: Department of Communities and Local Government

DCLG; Department of Communities and Local Government (2008b). *Review of Call In Directions, Consultation*. London: Department of Communities and Local Government

DCLG; Department of Communities and Local Government (2007a). *Planning for a Sustainable Future: White Paper*. London: Communities and Local Government, HM Government

DCLG; Department of Communities and Local Government (2007b). *Town and Country Planning Act 1990 - Section 77, Application by the City of London Real Property Company Limited. Site at 20 Fenchurch Street, 14-15 Philpot Lane, 10 Rood Lane, 33-35 Eastcheap and part of basement at 37-39 Eastcheap, London EC3. Application Ref: 06/00158 FULEIA*. London: Department of Communities and Local Government

DCLG; Department for Communities and Local Government (2006). *Planning Applications: Arrangements for consulting Commission for Architecture and the Built Environment as a Non-Statutory Consultee*. London: DCLG

DCMS; Department for Culture Media and Sport (2011a). *State of Conservation of the Tower of London (United Kingdom) (C488)* (Letter to Francesco Bandarin, UNESCO World Heritage Centre). London: DCMS

DCMS; Department for Culture Media and Sport (2011b). *Department for Culture Media and Sport, Annual Report and Accounts 2010-11*. London: DCMS

DCMS; Department for Culture Media and Sport (2010). 2010 Spending Review (Letter from DCMS to Baroness Kay Andrews OBE). London: DCMS

DCMS; Department for Culture, Media and Sport (2009). *Paul Finch to be new chair of CAFE*. London: DCMS
available online @
http://www.culture.gov.uk/reference_library/media_releases/6314.aspx (accessed: 11/03/2010)

DCMS; Department for Culture Media and Sport (2008a). *Westminster Palace, Westminster Abbey and St Margaret's Church, World Heritage Site – State of Conservation Report* (Letter dated 31 January 2008). London: DCMS

DCMS; Department for Culture Media and Sport (2008b). *Westminster Palace, Westminster Abbey and St Margaret's Church, World Heritage Site – State of Conservation Report* (Letter dated 27 June 2008). London: DCMS

DCMS; Department for Culture, Media and Sport (2007a). *Report to UNESCO World Heritage Committee: Tower of London and Westminster World Heritage Sites*. London: Department for Culture, Media and Sport

DCMS; Department for Culture, Media and Sport (2007b). *UNESCO backs Tower of London and Westminster World Heritage Sites*. available online @
http://www.culture.gov.uk/reference_library/media_releases/2300.aspx
(accessed: 23/11/2009)

DCMS; Department for Culture, Media and Sport (2007c). *DCMS Freedom of Information response – Case 68005*. London: Department for Culture, Media and Sport
available online @
http://www.culture.gov.uk/images/freedom_of_information/r_RedactedEmails68005.pdf
(accessed: 25/07/2009)

DCMS; Department for Culture Media and Sport (2007d). *Mr Chris Wilkinson is appointed as an English Heritage Commissioner*. available online @
http://www.culture.gov.uk/images/publications/PN_CWilkinson.pdf (accessed: 25/07/2009)

DCMS; Department for Culture, Media and Sport (undated). *Conflicts of Interest: Stanhope plc*. London: Department for Culture, Media and Sport
available online @
http://www.culture.gov.uk/about_us/freedom_of_information/foi_requests/1228.aspx
(accessed: 25/07/2009)

DEGW (2002). *London's Skyline, Views and High Buildings*. London: DEGW

Department for Transport (2006). *Transport and Works Act 1992; Town and Country Planning Act 1990; Applications for the Network Rail (Thameslink 2000) Order and for deemed planning permission*. London: Department for Transport

Department of the Environment (1997). *Planning Policy Guidance 1: General Policy and Principles*. London: Department of the Environment

Department of the Environment (1994). *Planning Policy Guidance 15: Planning and the Historic Environment*. London: Department of the Environment

DETR; Department for the Environment, Transport and the Regions (2001a). *Statutory and Non-Statutory Consultation Report: main document*. London: DETR

DETR; Department for the Environment, Transport and the Regions (2001b). *Statutory and Non-Statutory Consultation Report: Annex A; Current statutory and non-statutory consultation arrangements*. London: DETR

DETR; Department of the Environment, Transport and the Regions; CABE; Commission for Architecture and the Built Environment (2000a). *By Design, Urban design in the planning system: towards better practice*. London: Department for Transport, Environment and the Regions

DETR; Department of the Environment, Transport and the Regions (2000b). *Our Towns and Cities: The Future - Delivering an Urban Renaissance*. London: Department for Communities and Local Government

DP9 Planning Consultants (2009). *Practice Brochure*. available online @
<http://www.dp9.co.uk/contact.html> (accessed: 14/07/2009)

DTLR; Department for Transport, Local Government and the Regions (2001). *Planning: delivering a fundamental change*. London: DTLR

EAC; Environmental Audit Committee (2011a). *National Planning Policy Framework* (Letter to Communities and Local Government Committee, House of Commons). London: Environmental Audit Committee

EAC; Environmental Audit Committee (2011b). *Written evidence submitted by Community and Regional Planning Services*. London: Environmental Audit Committee

English Heritage and CABE; Commission for Architecture and the Built Environment (2007a). *Guidance on Tall Buildings, Consultation Draft January 2007*. London: English Heritage and CABE

English Heritage and CABE; Commission for Architecture and the Built Environment (2007b). *Guidance on Tall Buildings, July 2007*. London: English Heritage and CABE

English Heritage and CABE; Commission for Architecture and the Built Environment (2007c). *Guidance on Tall Buildings, Consultation Draft January 2007, How to give your views*. London: English Heritage and CABE

English Heritage and CABE; Commission for Architecture and the Built Environment (2003). *Guidance on Tall Buildings*. London: English Heritage and CABE

English Heritage and CABE; Commission for Architecture and the Built Environment (2001). *Guidance on Tall Buildings, Consultation Paper*. London: English Heritage and CABE

English Heritage (2008a). *Seeing the History in the View: A Method for Assessing Heritage Significance Within Views*. London: English Heritage

English Heritage (2008b). *Public Inquiry 1 Blackfriars Road & 20 Blackfriars Road*. London: English Heritage

English Heritage (2006a). *The Beetham Tower, 1 Blackfriars Road*. London: English Heritage

English Heritage (2006b). *Conservation Principles: For the sustainable management of the historic environment*. London: English Heritage

English Heritage (2005a). *Standing Orders of the Commission and Committees*. London: English Heritage

English Heritage (2001). *Tall Buildings – Public have their say for first time*. London: English Heritage

English Heritage (2000a). *What does ‘Heritage’ mean to you?*. London: English Heritage

English Heritage (2000b). *English Heritage, Annual Reports and Accounts 1999/2000*. London: English Heritage

Fainstein, S. S. (2001). *The City Builders: Property development in New York and London, 1980-2000*. Lawrence: Kansas

Gassner, G. (2009). Elevations, Icons and Lines: The city abstracted through its Sky lines, in Davis, J.; Dean, C.; Gassner, G.; Hall, S.; Keddie, J. (Eds.) *Researching the spatial and social life of the city*. (pp. 67-86). London: citiesLAB, Cities Programme, London School of Economics

Gibson, P.; Stevenson, R. (2000). *The role of pre-application discussions and guidance in planning*. Edinburgh: The Scottish Executive Central Research Unit 2000

GLA; Greater London Authority (2011a). *The London Plan: Spatial Development Strategy for Greater London, July 2011*. London: Greater London Authority

GLA; Greater London Authority (2011b). *Planning report PDU/2741/01 25 January 2011 231-241 Blackfriars Road*. London: Greater London Authority

GLA; Greater London Authority (2011c). *Planning report PDU/1989a/01 10 March 2011 Wedge House, 32-40 Blackfriars Road*. London: Greater London Authority

GLA; Greater London Authority (2011d). *Planning report PDU/2739/01 18 May 2011 Kings Reach Tower Upper Ground Southbank*. London: Greater London Authority

GLA; Greater London Authority (2011e). *Draft Supplementary Planning Guidance: London World Heritage Sites – Guidance on Settings*. London: Greater London Authority

GLA; Greater London Authority (2010a). *Revised supplementary planning guidance: London View Management Framework*. London: Greater London Authority

GLA; Greater London Authority (2010b). *Planning report PDU/2404a/02 15 December 2010 40-46 Weston Street, London Bridge*. London: Greater London Authority

GLA; Greater London Authority (2009). *The London Plan: Spatial Development Strategy for Greater London, Consultation draft replacement plan*. London: Greater London Authority

GLA; Greater London Authority (2008a). *Town & Country Planning Act 1990 (as amended); Greater London Authority Act 1999; Town & Country Planning (Mayor of London) Order 2000; 1 Blackfriars Road planning reference 06-AP-2117/AD*. London: Greater London Authority

GLA; Greater London Authority (2008b). *Planning report PDU/1517/02 26 March 2008 London Park Hotel Site, Elephant & Castle in the London Borough of Southwark; planning application no. 07-AP-0760*. London: Greater London Authority

GLA; Greater London Authority (2008c). *Code of Conduct of the Greater London Authority*. London: Greater London Authority

GLA; Greater London Authority (2007a). *London View Management Framework: The London Plan Supplementary Planning Guidance (Draft March 2007)*. London: Greater London Authority

GLA; Greater London Authority (2007b). *London View Management Framework: The London Plan Supplementary Planning Guidance*. London: Greater London Authority

GLA; Greater London Authority (2007c). *Planning report PDU /1185a/01 1 Blackfriars Road SE1*. London: Greater London Authority

GLA; Greater London Authority (2007d). *Planning report PDU /1024/01 20 Blackfriars Road*. London: Greater London Authority

GLA; Greater London Authority (2007e). *Planning report PDU /1185/01a 1 Blackfriars Road SE1*. London: Greater London Authority

GLA; Greater London Authority (2007f). *Waterloo Opportunity Area Planning Framework*. London: Greater London Authority

GLA; Greater London Authority (2007g). *Planning report PDU/1229/02, 1356/02 & 1357/02 17 September 2007 Doon Street*. London: Greater London Authority

GLA; Greater London Authority (2007h). *Guidance note for developers requesting pre-planning application advice*. London: Greater London Authority

GLA; Greater London Authority (2006a). *Draft Further Alterations to the London Plan (Spatial Development Strategy for Greater London)*. London: Greater London Authority

GLA; Greater London Authority (2006b). *Planning report PDU/0201/02 30 October 2006 DIFA Tower in the City of London planning application no. 06/00546/FULEIA*. London: Greater London Authority

GLA; Greater London Authority (2005a). *London Plan: London View Management Framework Draft SPG*. London: Greater London Authority

GLA; Greater London Authority (2005b). *Annex 'A' London View Management Framework: Summary of consultation responses*. London: Greater London Authority

GLA; Greater London Authority (2005c). *Specification for completion work on the London View Management Framework*. London: Greater London Authority
(Document accessible via Freedom of Information Request)

GLA; Greater London Authority (2005d). *Planning report PDU/0010a/01, 15 December 2005, Heron Tower, Bishopsgate, in the City of London, planning application no. 05/00771/FULEIA*. London: Greater London Authority

GLA; Greater London Authority (2005e). *Planning report PDU /1185/01 1 Blackfriars Road*. London: Greater London Authority

GLA; Greater London Authority (2005f). *Planning report PDU /0581a/02 18 October 2005 201 Bishopsgate in the City of London*. London: Greater London Authority

GLA; Greater London Authority (2005g). *Planning report PDU/0201/01 15 December 2005 DIFA Tower in the City of London*. London: Greater London Authority

GLA; Greater London Authority (2004a). *The London Plan: Spatial Development Strategy for Greater London*. London: Greater London Authority

GLA; Greater London Authority (2004b). *Planning report PDU/0551/02 2 December 2004 122 Leadenhall Street in the City of London planning application no. 04/00111*. London: Greater London Authority

GLA; Greater London Authority (2004c). *London View Management Framework-SPG to the London Plan-Brief for consultancy work*. London: Greater London Authority
(Document accessible via Freedom of Information Request)

GLA; Greater London Authority (2003a). *Draft London Plan: Summary of responses by section; 4B. Designs on London*. London: Greater London Authority

GLA; Greater London Authority (2003b). *Draft London Plan: Summary of responses by section; Annex 3: Views*. London: Greater London Authority

GLA; Greater London Authority (2002a). *The draft London Plan: Draft Spatial Development Strategy for Greater London*. London: Greater London Authority

GLA; Greater London Authority (2002c). *Planning report PDU/0047/01 2 July 2003 Paddington Station in the City of Westminster planning application no. PT/00/05001/OUT*. London: Greater London Authority

GLA; Greater London Authority (2002d). *1 Commercial Street, 111 – 120 Whitechapel High Street App. No. PA/02/00074*. London: Greater London Authority

GLA; Greater London Authority (2002e). *Planning report PDU/0458A/02 7 August 2002 51 Lime Street in the City of London planning application no. 02-1135AQ*. London: Greater London Authority

GLA; Greater London Authority (2002f). *Planning report PDU/0434/01 25 April 2002 Vauxhall Tower, Effra Site in the London Borough of Lambeth planning application no. 02/00221/FUL/DCHJE*. London: Greater London Authority

GLA; Greater London Authority (2002g). *Planning report PDU/0313/01 18 December 2002 “Minerva Tower”, St. Botolph’s House, Aldgate in the Corporation of London planning application no. 02-5210A*. London: Greater London Authority

GLA; Greater London Authority (2002h). *Planning report PDU/0447/01 30 May 2002 Potter’s Field in the London Borough of Southwark Planning Brief*. London: Greater London Authority

GLA; Greater London Authority (2002i). *Planning report PDU/0238/03 20 March 2002 London Bridge Tower in the London Borough of Southwark planning application no. 0100476*. London: Greater London Authority

GLA; Greater London Authority (2002j). *Planning report PDU/0761/01 23 September 2003 Rodwell House, 100 – 106 Middlesex Street, London E1 in the London Borough of Tower Hamlets planning application no. PA/03/00763*. London: Greater London Authority

GLA; Greater London Authority (2002k). *London Divided: Income inequality and poverty in the capital*. London: Greater London Authority

GLA; Greater London Authority (2002l). *Planning report PDU/0057/01 20 March 2002 Grand Union Buildings, Paddington Basin in the City of Westminster, planning application no. PT/RN00/04998/FULL*. London: Greater London Authority

GLA; Greater London Authority (2001a). *Tall buildings are essential to preserve London’s economic position*. London: Greater London Authority
Accessible online @ http://static.london.gov.uk/view_press_release.jsp?releaseid=210
(accessed: 28/02/2011)

GLA; Greater London Authority (2001b). *Interim strategic planning guidance on tall buildings, strategic views and the skyline in London*. London: Greater London Authority

GLA; Greater London Authority (2001c). *Towards the London Plan: Initial proposals for the Mayor’s Spatial Development Strategy*. London: Greater London Authority

GOL; Government Office for London (2008a). *The Town and Country Planning Act 1990 – Section 77, The Town and Country Planning (General Development Procedure) Order 1995, Town and Country Planning (Development Plans and Consultation) (Departures), Town and Country Planning (Inquiries Procedure) (England) Rules 2000, Land Bounded by Blackfriars Road, Stamford Street, Rennie Street & Upper Ground, London SE1 9UF (Ref: 06-AP-2117)*. London: Government Office for London

GOL; Government Office for London (2008b). *The Town and Country Planning Act 1990 – Section 77, The Town and Country Planning (General Development Procedure) Order 1995, Elizabeth House 39 York Road, London SE1 7NQ – 07/02628/FUL*. London: Government Office for London

GOL; Government Office for London (2008c). *GOL Circular 1/2008: Strategic Planning in London*. London: Government Office for London

GOL; Government Office for London (2008d). *Town and Country Planning Act 1990 – Section 77; The Town and Country Planning (General Development Procedure) Order 1995; Town and Country Planning (Development Plans and Consultation) (Departures) Direction 1999; Town and Country Planning (Inquiries Procedure) (England) Rules 2000; Land bounded by Blackfriars Road, Stamford Street, Rennie Street and Upper Ground, London SE1 9UF (Ref: 06-AP-2117)*. London: Government Office for London

GOL; Government Office for London (2008e). *Town and Country Planning Act 1990 – Section 77; The Town and Country Planning (General Development Procedure) Order 1995; Town and Country Planning (Inquiries Procedure) (England) Rules 2000; 20 Blackfriars Road, London SE1 8NY (Ref: 07-AP-0301)*. London: Government Office for London

GOL; Government Office for London (2008f). *Town and Country Planning Act 1990 – Section 77; The Town and Country Planning (General Development Procedure) Order 1995; Town and Country Planning (Development Plans and Consultation) (Departures) Direction 1999; Town and Country Planning (Inquiries Procedure) (England) Rules 2000; Elizabeth House, 39 York Road, London SE1 7NQ*. London: Government Office for London

GOL; Government Office for London (2006). *Town and Country Planning Act 1990, Town and Country Shopping (Direction) (England and Wales) (NO2) Direction 1993, 22-24 Bishopsgate, 38 Bishopsgate and 4 Crosby Square (City of London)*. London: Government Office for London

GOL; Government Office for London (2000). *GOL Circular 1/2000: Strategic Planning in London, Greater London Authority Act 1999, The Secretary of State for the Environment, Transport and the Regions' guidance on the arrangements for strategic planning in London*. London: Government Office for London

GOL; Government Office for London (1998). *Regional Planning Guidance 3: Annex A*. London: Government Office for London

Gordon, D. L. A. (2001). The Resurrection of Canary Wharf, *Planning Theory and Practice*, 2 (2): 149-168

Gordon, I. R.; Travers, T. (2010). London - Planning the ungovernable city, *City, Culture and Society*, **1** (2): 49-55

Gordon, I. R. (2003). Capital needs, capital growth and global city rhetoric in Mayor Livingstone's London Plan, Paper presented in session on *The Production of Capital Cities*, Association of American Geographers Annual Meeting, New Orleans 7th March 2003

Gordon, I. R. (1999). Internationalisation and Urban Competition, *Urban Studies*, **36** (5-6: 1001-1016

Greater London Assembly (2002). *Behind Closed Doors: Scrutiny of the Mayor's Planning Decisions Planning Advisory Committee*. London: Greater London Assembly available online @ <http://legacy.london.gov.uk> (accessed: 25/08/2010)

Greater London Assembly (2001). *LONDON ASSEMBLY - 15th February 2001 The Mayor's Consolidated Budget for 2001-02*. London: Greater London Assembly available online @ <http://legacy.london.gov.uk/assembly/assemmtgs/2001/assemfeb15/minutes/assemfeb15mins3.pdf> (accessed: 25/08/2010)

Greater London Assembly (2000). *Minutes of the meeting of the London Assembly held on Thursday, 29 June 2000 at 2 p.m. At the Emmanuel Centre, 9-23 Marsham Street, Westminster*. London: Greater London Assembly available online @ <http://legacy.london.gov.uk> (accessed: 25/08/2010)

Hall, P. (2002). *Urban and Regional Planning, Fourth Edition*. London: Routledge

Hansard, Written Answer, 16 June 1999, col.138 (1999). *Richard Carborn's statement of 16th June 1999*. London: House of Commons

Harris, A. (2008). Livingstone versus Serota: the High-rise Battle of Bankside, *The London Journal*, **33** (3): 289-299

Harris, R.; Cameron, N. (2008a). *One Blackfriars Road London SE1. Brief opening submission on behalf of the applicant*. London: Landmark Chambers

Harris, R.; Cameron, N. (2008b). *No.1 Blackfriars Road London SE1. Closing Submission on behalf of the applicant*. London: Landmark Chambers

Hebbert, M.; McKellar, E. (2008). Tall Buildings in the London Landscape, *The London Journal*, **33** (3): 199-200

Hebbert, M. (1998). *London: More by fortune than design*. Chichester: John Wiley & Sons

Her Majesty's Stationary Office (1983). *National Heritage Act 1983*. London: The Stationary Office Limited

Hicks, W. (2008). *Coin Street Community Builders – Outline of Closing*. London: Landmark Chambers

- Historic Royal Palaces (2007). *The Tower of London Management Plan: Draft for Consultation March 2007*. London: Historic Royal Palaces
- Hollox, R. E.; Mattocks, J. R. (2006a). *The Southwark Plan March 2004 - Inspector's Report on Objections*. London: London Borough of Southwark
- Hollox, R. E.; Mattocks, J. R. (2006b). *Annex: List of Objections; The Southwark Plan March 2004 - Inspector's Report on Objections*. London: London Borough of Southwark
- House of Commons (2010). *Lobbying, Standard Note: SN/PC/04633*. London: House of Commons
- House of Commons (2006). *Protecting and preserving our heritage, Volume 2, Written Evidence*. London: House of Commons
- House of Commons (2005). *The Role and Effectiveness of CAGE: Fifth Report of Session 2004-2005*. London: House of Commons
- House of Commons (2004). *Commission for Architecture and the Built Environment: Audit of Conflict of Interest June 2004*. London: House of Commons
- House of Commons (2002). *Tall Buildings: Memoranda submitted to the Urban Affairs Sub-committee*. London: House of Commons
- House of Lords (2011). *House of Lords, Thursday 13 October 2011, Hansard Text*, available online @ <http://www.publications.parliament.uk/pa/ld201011/ldhansrd/text/111013-0001.htm#11101346000665> (accessed: 16 November 2011)
- House of Lords (2008). *House of Lords, Library Note, Peerage Creations 1958-2008*. London: House of Lords
- HRH Prince of Wales (2008). *A speech by HRH The Prince of Wales at the New Buildings in Old Places Conference, St James's Palace, London*. London: HRH Prince of Wales
available online @ http://www.princeofwales.gov.uk/speechesandarticles/a_speech_by_hrh_the_prince_of_wales_at_the_new_buildings_in_604060620.html (accessed: 20 February 2008)
- HRH Prince of Wales (2001). *A speech by HRH The Prince of Wales titled 'Tall Buildings', Invensys Conference, QE2 Centre, London*. London: HRH Prince of Wales
available online @ http://www.princeofwales.gov.uk/speechesandarticles/a_speech_by_hrh_the_prince_of_wales_titled_tall_buildings_in_62434944.html (accessed: 24/06/2007)
- Ian Simpson Architects (2008). *BE/1A, One Blackfriars Road, Proof of Evidence, Ian Simpson, August 2008*. London: Beetham Organisation Limited
- Ian Simpson Architects (2006). *One Blackfriars Road, London SE1, Planning Application Drawings, October 2006*. London: Beetham Organisation Limited

ICOMOS (International Council on Monuments and Sites) (1965). *International Charter for the conservation and restoration of monuments and sites (The Venice Charter 1964)*. Venice: ICOMOS

ICOMOS UK (International Council on Monuments and Sites UK) (2011). Cultural Landscapes and Historic Gardens Committee, ICOMOS UK, available online @ <http://blog.icomos-uk.org/who-we-are/cultural-landscapes-and-historic-gardens-committee/> (accessed: 21/02/2011)

ICOMOS UK (International Council on Monuments and Sites UK) (2007). *Elizabeth House, 39 York Road, London SE1 7NQ*. London: ICOMOS UK

ICOMOS UK (International Council on Monuments and Sites UK) (1996). *ICOMOS-UK Constitution*. London: ICOMOS UK

Kaika, M. (2010). Architecture and crisis: re-inventing the icon, re-imag(in)ing London and re-branding the City, *Transactions of the Institute of British Geographers*, **35** (4): 453-474

Katkowski, C.; Lyness, S. (2008). *20 Blackfriars Road; LBS Planning Application Reference: 07/AP/0301; PINS Inquiry Reference: APP/A5840/V/08/1203024; Closing Submissions on behalf of Blackfriars Limited*. London: Landmark Chambers

Killian, J.; Pretty, D. (2008). *Planning applications: A faster and more responsive system - Final Report*. London: Department for Communities and Local Government
King, N. (2008). *Public inquiry into application by Coin Street Community Builders for planning permission to develop land at Doon Street, London SE1 – Final Submissions on behalf of English Heritage*. London: Landmark Chambers

Kufner, J. (2009). Co-producing policies, visual representations and negotiations of tall buildings. in Hackney, F.; Glynn, J.; Minton, V. (Ed.), *Networks of Design: Proceedings of the 2008 Annual International Conference of the Design History Society (UK) University College Falmouth, 3-6 September* (pp. 175-182). Boca Raton: Universal Publishers

LAC; London Advisory Committee (2007a). *Open Minutes of the 199th meeting held on Friday 13 April 2007 at DE Vere Venues, Waterhouse Square, London EC1*. London: English Heritage

LAC; London Advisory Committee (2007b). *Open Minutes of the 198th meeting held on Friday 2 March 2007 at DE Vere Venues, Waterhouse Square, London EC1*. London: English Heritage

LAC; London Advisory Committee (2006a). *Open Minutes of the 196th meeting held at 09:30am on Friday 17 November 2006 at 3 Bunhill Row, London W1*. London: English Heritage

LAC; London Advisory Committee (2006b). *Open Minutes of the 195th meeting held at 09:30am on Friday 8 September 2006 at 3 Bunhill Row, London EC1*. London: English Heritage

LAC; London Advisory Committee (2006c). *Open Minutes of the 193rd meeting held at 09:30am on Friday 9 June 2006 at Saville Row, London W1*. London: English Heritage

LAC; London Advisory Committee (2005a). *Open Minutes of the 189th meeting held at 09:30am on Friday 18 November 2005 at Saville Row, London W1*. London: English Heritage

LAC; London Advisory Committee (2005b). *Open Minutes of the 186th meeting held at 09:30am on Friday 24 June 2005 at Saville Row, London W1*. London: English Heritage

LAC; London Advisory Committee (2003). *Minutes of the 169th meeting held on Friday 21 February 2003*. London: English Heritage

LAC; London Advisory Committee (2001). *English Heritage – London Advisory Committee Minutes of the 161st Meeting Held on Friday 9 November 2001*. London: English Heritage

LAC; London Advisory Committee (2000). *Minutes of the 146th Meeting Held on Friday 28 April 2000*. London: English Heritage

LAC; London Advisory Committee (1999). *Minutes of the 134th Meeting Held on Friday 26 February 1999*. London: English Heritage

Land Use Consultants (2011a). *Balancing the ancient city with the contemporary: Managing the setting of the Tower of London*, Land Use Consultants, available online @ <http://www.landuse.co.uk/portfolio/project.php?id=116> (accessed: 24/02/2011)

Land Use Consultants (2011b). *Portfolio*, Land Use Consultants, available online @ <http://www.landuse.co.uk/portfolio/index.php> (accessed: 24/02/2011)

Landmark Chambers (2011a). *Requirements for the hearing venue*, Landmark Chambers, available online @ http://www.publicinquiries.org/holding_a_hearing/requirements_for_the_hearing_venue (accessed: 20/05/2011)

Landmark Chambers (2010a). *Russell Harris QC, Practice Summary*, Landmark Chambers, available online @ http://www.landmarkchambers.co.uk/barristers/details/russell_harris (accessed: 19/04/2010)

Landmark Chambers (2010b). *Holding a hearing: Procedures for evidence and witness questioning*, Landmark Chambers, available online @ http://www.publicinquiries.org/holding_a_hearing/procedures_for_evidence_and_witness_questioning (accessed: 21/09/2010)

Landmark Chambers (2010c). *Holding a hearing: Fairness to witnesses*, Landmark Chambers, available online @ http://www.publicinquiries.org/holding_a_hearing/fairness_to_witnesses (accessed: 21/09/2010)

Landmark Chambers (2008). *High Court hears challenge to Doon Street Tower decision*, Landmark Chambers, available online @ [http://www.landmarkchambers.co.uk/news2/news/High Court hears challenge to Doon Street Tower decision](http://www.landmarkchambers.co.uk/news2/news/High_Court_hears_challenge_to_Doon_Street_Tower_decision) (accessed: 15/12/2008)

LB Lambeth; London Borough of Lambeth (2008). *Planning Applications Committee A Wednesday, 23rd July, 2008 at 7.00 pm MINUTES*. London: LB Lambeth

LB Southwark; London Borough of Southwark (2010a). *Bankside, Borough and London Bridge SPD/OAPF; Draft Bankside, Borough and London Bridge Planning Framework*. London: London Borough of Southwark

LB Southwark; London Borough of Southwark (2008a). *Southwark Design Review membership*. available online @ www.southwark.gov.uk/YourServices/planningandbuildingcontrol/sdrp/membership (accessed: 18/01/2008)

LB Southwark; London Borough of Southwark (2008b). *Development Control (22/01/2008): 20 Blackfriars Road, London, SE1 8NY*. London: London Borough of Southwark

LB Southwark; London Borough of Southwark (2007a). *Development Control (24/07/2007): Land bounded by Blackfriars Road, Stamford Street, Rennie Street & Upper Ground, London, SE1 9UF*. London: London Borough of Southwark

LB Southwark; London Borough of Southwark (2007b). *Development Control (18/12/2007): Land bounded by Blackfriars Road, Stamford Street, Rennie Street & Upper Ground, London, SE1 9UF*. London: London Borough of Southwark

LB Southwark; London Borough of Southwark (2007c). *The Southwark Plan*. London: London Borough of Southwark

LB Southwark; London Borough of Southwark (2007d). *MINUTES of the OPEN section meeting of the PLANNING COMMITTEE held on TUESDAY July 24 2007 at 7.00PM at the Town Hall, Peckham Road, London SE5 8UB*. London: London Borough of Southwark

LB Southwark; Planning and Building Control Manager (2006a). *Development Control (06-AP-0974): 1 Blackfriars Road, Stamford Street, Rennie Street and Upper Ground SE1*. London: London Borough of Southwark

LB Southwark; London Borough of Southwark (2005a). *Tall Buildings Strategic Framework: Stakeholders 1st Workshop Findings*. Unpublished document

LB Southwark; London Borough of Southwark (2005b). *Draft Tall Buildings Supplementary Document for Consultation*. London: London Borough of Southwark

LB Southwark; London Borough of Southwark (2005c). *Development Control (5/7/2005): Redevelopment of King's Reach Tower*. London: London Borough of Southwark

Liverpool City Council (2011). UNESCO Mission to visit Liverpool, available online @ http://www.liverpoolworldheritage.com/heritagenews/unesco_mission.asp (accessed: 27 November 2011)

LSE; London School of Economics and Political Science (2009a). *Ricky Burdett, Director*, LSE, available online @ https://www.lse.ac.uk/collections/urbanAge/02_network/network_projectTeam.html (accessed: 01/11/2009)

LSE; London School of Economics and Political Science (2009b). *Events Archive*, LSE, available online @ http://www.lse.ac.uk/collections/cities/events_archive.htm (accessed: 01/11/2009)

LPAC; London Planning Advisory Committee (1999). *Strategic Planning Advice on High Buildings and Strategic Views in London*. London: London Planning Advisory Committee

LPAC; London Planning Advisory Committee (1998). *High Buildings and Strategic Views in London*. London: London Planning Advisory Committee

Mairie de Paris (2010a). *Plan de hauteurs*. Paris: Mairie de Paris

Mairie de Paris (2010b). *Fusseaux de protection du site de Paris*. Paris: Mairie de Paris

Malkawi, A. M.; Augenbroe, G. (2004). *Advanced Building Simulation*. New York: Spon Press

Manson, F. (2001). Regeneration: Can culture carry the can?, *Locum Destination Review*, **3** (2001): 11-12

Markham, L. (2008). The Protection of Views of St Paul's Cathedral and its Influence on the London landscape, *The London Journal*, **33** (3): 271-287

McNeill, D. (2002a). Livingstone's London: Left Politics and the World City, *Regional Studies*, **36** (1): 75-80

McNeill, D. (2002b). The Mayor and the World City Skyline: London's Tall Buildings Debate, *International Planning Studies*, **7** (4): 325-334

Miele, C. (2008). *Coin Street Community Builders, Doon Street Development: Site bounded by Doon Street, Cornwall Road and Upper Ground - Proof of Evidence of Chris Miele*. London: Montagu Evans

Miles, M. B.; Huberman, A. M. (1994). *Qualitative data analysis: An expanded sourcebook*. Thousand Oaks: SAGE Publications, Inc.

Ministry of Justice, UK (1983). *National Heritage Act 1983*. London: The Stationary Office Limited

Moggridge, H. (2008). *RP-1, Blackfriars Road Developments, Statement by Hall Moggridge OBE VMH PPLI FIHORT RIBE AADIP on behalf of the Royal Parks*, August 2008. London: Royal Parks

New York Department of City Planning (2010). *New York City Zoning, Zoning Text*. New York: New York Department of City Planning

Nicolaou, L. (2004). Viewing Tall Buildings in London, *Urban Design Quarterly*, **90** (Spring 2004): 28-31

Nolan, Lord M. (1997a). *Standards in Public Life: Standards of Conduct in Local Government in England, Scotland, and Wales; Third Report of the Committee of Standards in Public Life Lord Nolan; Volume 1: Report*. London: Her Majesty's Stationary Office

Nolan, Lord M. (1997b). *Standards of Conduct in Local Government in England, Scotland, and Wales; Summary of the Nolan Committee's Third Report on Standards in Public Life*. London: Her Majesty's Stationary Office

ODPM; Office of the Deputy Prime Minister (2005a). *The Planning System: General Principles*. London: ODPM

ODPM; Office of the Deputy Prime Minister (2005b). *ODPM Circular 05/2005*. London: ODPM

ODPM; Office of the Deputy Prime Minister (2005c). *Planning Policy Statement 1: Delivering Sustainable Development*. London: Office of the Deputy Prime Minister

ODPM; Office of the Deputy Prime Minister (2005d). *Town and Country Planning Act 1990 (Section 78) Appeal by St George South London Ltd. Application No: 03/01501/FUL*. London: Office of the Deputy Prime Minister

ODPM; Office of the Deputy Prime Minister (2005e). *Town and Country Planning Act 1990 (Section 78), Planning (Listed Buildings and Conservation Areas) Act 1990 – Section 20, Appeals By Berkeley Homes LTD*. London: Office of the Deputy Prime Minister

ODPM; Office of the Deputy Prime Minister (2003). *Town and Country Planning Act 1990 - Section 77, Land Adjoining London Bridge Station, At St Thomas Street/Joiner Street London SE1. Application by Teighmore Limited. Application No. 0100476*. London: Office of the Deputy Prime Minister

ODPM; Office of the Deputy Prime Minister (2002). *Town and Country Planning Act 1990 (Section 77) Application by Heron (London) Properties Limited Application No: 00-5213*. London: Office of the Deputy Prime Minister

OPSI; Office for Public Sector Information (2007). *Greater London Authority Act 2007*. London: OPSI

OPSI; Office for Public Sector Information (2005). *Clean Neighbourhoods and Environment Act 2005*. London: OPSI

- OPSI; Office for Public Sector Information (2005b). *Inquiries Act 2005*. London: Office for Public Sector Information
- OPSI; Office for Public Sector Information (2004). *Planning and Compulsory Purchase Act 2004*. London: Office for Public Sector Information
- OPSI; Office for Public Sector Information (2001). *The Local Authorities (Model Code of Conduct) (England) Order 2001*. Surrey: The National Archives
- OPSI; Office for Public Sector Information (2000a). *Town and Country Planning (Inquiries Procedure) (England) Rules 2000*. London House of Commons
- OPSI; Office for Public Sector Information (2000b). *Town and Country Planning (Mayor of London) Order 2000*. London: OPSI
- OPSI; Office for Public Sector Information (1999). *Greater London Authority Act 1999*. London: OPSI
- OPSI; Office for Public Sector Information (1991). *Planning and Compulsory Purchase Act 1991*. London: Office for Public Sector Information
- OPSI; Office of Public Sector Information (1990a). *Town and Country Planning Act 1990*. London: Office for Public Sector Information
- OPSI; Office for Public Sector Information (1990b). *The Planning (Listed Buildings and Conservation Areas) Act 1990*. Norwich: The Stationary Office
- Parker, J.; Catchpole, T. (1984). *Faulty Towers? A review of London's high buildings policy*. London : Greater London Council
- Parnaby, R.; Short, M. (2008). *CABE – Light touch review*. Bristol: University of the West of England
- PASC; Public Administration Select Committee (2009). *Lobbying: Access and Influence in Whitehall*. London: House of Commons
- PINS; The Planning Inspectorate (2011a). *The Planning Inspectorate: What we do*, The Planning Inspectorate, available online @ http://www.planning-inspectorate.gov.uk/pins/statement_purpose/02_what_we_do.htm (accessed: 21/02/2011)
- PINS; The Planning Inspectorate (2011b). *Code of Conduct*, The Planning Inspectorate, available online @ <http://www.planningportal.gov.uk/planning/appeals/planninginspectorate/adviceinspectors/codeofconduct> (accessed: 17/05/2011)
- PINS; The Planning Inspectorate (2011c). *Challenging the Decision in High Court*, The Planning Inspectorate, available online @ http://www.planningportal.gov.uk/uploads/pins/high_court_leaflet.pdf (accessed: 17/05/2011)

PINS; The Planning Inspectorate (2010a). *Definitive Map Orders: Consistency Guidelines, Section 3 Case Law*, The Planning Inspectorate, available online @ <http://www.planning-inspectorate.gov.uk> (accessed: 29/04/2010)

PINS; The Planning Inspectorate (2009a). *London Borough of Southwark, Applications by Beetham Landmark London Limited and Blackfriars Limited*. Bristol: The Planning Inspectorate

PINS; The Planning Inspectorate (2009b). *Town and Country Planning Act 1990; London Borough of Lambeth; Application by Elizabeth House GP LLC*. Bristol: The Planning Inspectorate

PINS; The Planning Inspectorate (2009c). *Appeal Ref: APP/N5660/A/09/2101423 81 Black Prince Road, Albert Embankment, London SE1 7SZ*. Bristol: The Planning Inspectorate

PINS; The Planning Inspectorate (2008). *London Borough of Lambeth Application by Coin Street Community Builders Ltd*. Bristol: The Planning Inspectorate

PINS; The Planning Inspectorate (2007). *The City of London Corporation, Application by the City of London Real Property Company Limited*. Bristol: The Planning Inspectorate

PINS; The Planning Inspectorate (2006). *Appeal by Croydon Gateway Limited Partnership, Cardwool Limited (in Administrative Receivership), and BRB (Residuary) Limited*. Bristol: The Planning Inspectorate

PINS; The Planning Inspectorate (2004a). *Appeal by St George South London Limited*. Bristol: The Planning Inspectorate

PINS; The Planning Inspectorate (2004b). *The Council of the London Borough of Southwark Appeals made by Berkeley Homes Limited*. Bristol: The Planning Inspectorate

PINS; The Planning Inspectorate (2003). *London Borough of Southwark, Application by Teighmore Limited*. Bristol: The Planning Inspectorate

PINS; The Planning Inspectorate (2002a). *Report to the Secretary of State for Transport, Local Government and the Regions: Application by Heron (London) Properties LTD*. Bristol: The Planning Inspectorate

PINS; The Planning Inspectorate (2002b). *Public Inquiry Facility Note*. Bristol: The Planning Inspectorate

Phillips, M. (2010). Banks dust off distressed City schemes, *Property Week*, 12 November 2010, available online @ <http://www.propertyweek.com/news/banks-dust-off-distressed-city-schemes/5008771.article> (accessed: 02/05/2011)

Public Law Project (2006). *Public Law Project Information Leaflet 2: What is judicial review?*, Public Law Project, available online @ <http://www.publiclawproject.org.uk/downloads/WhatIsJR.pdf> (accessed: 09/03/2011)

Plank, W.; Girardet, H.; Cox, G. (2002). *Tall Buildings and Sustainability*. London: Corporation of London

Planning Portal (2011). *Code of Conduct*, Department for Communities and Local Government, Direct Gov, Planning Portal, available online @ <http://www.planningportal.gov.uk/planning/appeals/planninginspectorate/adviceinspectors/codeofconduct> (accessed: 21/02/2011)

Polina, C. (2007). *Towards a London Renaissance, Städtebaulicher Paradigmenwechsel in London: Projekte und Planwerke für den Umbau des Zentrums* (Promotion/PhD thesis). Berlin: Fakultät VI Planen Bauen Umwelt der Technischen Universität Berlin
Red Chilli (2011). *Blackfriars Tower One Blackfriars Road, London SE1*, Red Chilli, available online @ <http://www.redchilli.com/property-finance-downloads/Blackfriars-Tower-Factsheet.pdf> (accessed: 02/03/2011)

Reuters (2007). UK moves to keep Tower of London off UN danger list, *Reuters*, 8 March, available online @ <http://www.reuters.com/article/idUSL0852120420070308> (accessed: 30/09/2010)

Richardson, A.; Simpson, E. (2003). *Draft London Plan, Examination in Public, Panel Report, July 2003*. London: Greater London Authority

RFAC; Royal Fine Art Commission (1998). *Tall Buildings in London – A Royal Fine Art Commission Discussion Paper*. London: Royal Fine Art Commission

RFAC; Royal Fine Art Commission (1963). *Eighteenth Report of the Royal Fine Art Commission*. London: Her Majesty's Stationary Office

Rodwell, D.; van-Oers, R. (2007). *Management and Preservation of Historic Centers of Cities inscribed on the World Heritage List (summary report)*. Paris: World Heritage Centre
available online @ <http://whc.unesco.org/uploads/activities/documents/activity-47-7.pdf> (Accessed on 30/09/2010)

Ross, J. (2001). Management Philosophy of the Greater London Authority, *Public Money and Management*, **21** (4): 35-42

Rydin, Y. (2003). *Urban and Environmental Planning in the UK*. London: Palgrave Macmillan

Sassen, S. (1991). *The global city: New York, London, Tokyo*. Princeton: Princeton University Press

SAVE Britain's Heritage (2011a). *Information*, SAVE Britain's Heritage, available online @ <http://www.savebritainsheritage.org/information/> (accessed: 21/02/2011)

SAVE Britain's Heritage (2011b). *Use of the media*, SAVE Britain's Heritage, available online @ http://www.savebritainsheritage.org/your_campaign/use_of_the_media.php (accessed: 21/02/2011)

SAVE Britain's Heritage (2008). *The Baltic Exchange*. SAVE Britain's Heritage, available online @ <http://www.savebritainsheritage.org/baltic.htm> (accessed 29/10/2008) (This document has been taken off the world-wide-web.)

SBEG; South Bank Employers' Group (2007). Letter to RT Hon Hazel Blears MP. London: South Bank Employers' Group

Shepley, C.; Langton, A.; Nixon, S. (2007). *Draft Further Alterations to the London Plan: Examination in Public, 18 June – 10 July 2007*. London: Panel Secretary

SE1 (2005). Britain's highest flats proposed for Southwark riverside, *London SE1*, 31 July 2005, available online @ <http://www.london-se1.co.uk/news/view/1681> (accessed: 02/05/2011)

Short, M. (2007). Assessing the impact of proposals for tall buildings on the built heritage: England's regional cities in the 21st century, *Progress in Planning*, **68** (2007): 97-199

Short, M. (2004). Regulating the impact of proposals for new tall buildings on the built heritage, *Planning History*, **26** (3): 3-10

Simon, R. D. (1996). Skyscrapers and the New London Skyline: 1945-1991, *The Electronic Journal of Architecture*. available online @ <http://architronic.saed.kent.edu/v5n2/v5n2.06a.html> (accessed: 05/01/2007)

Sklair, L. (2006). Iconic architecture and capitalist globalisation, *City*, **10** (1): 21-47

Sorensen, A.; Okata, J.; Fujii, S. (2010). Urban Renaissance as Intensification: Building Regulation and the Rescaling of Place Governance in Tokyo's High-Rise Mansion Boom, *Urban Studies*, **47** (3): 556-583

Sparks, L. (2004). *Blackfriars & Bankside, Southwark Area Development Framework*. London: London Borough of Southwark

Stewart, P. (2003). *Every picture tells a story*, CABE, available online @ <http://www.cabe.org.uk/articles/every-picture-tells-a-story> (accessed: 09/06/2010)

Strategic Director of Regeneration (2007). *Rescinding obsolete and superseded planning documents*. London: London Borough of Southwark

Strategic Director of Regeneration (2006). *Proposed modifications to the draft Southwark Unitary Development Plan (The Southwark Plan) – Second Addendum Report*. London: London Borough of Southwark

Tavernor, R.; Gassner, G. (2010). Visual consequences of the plan: managing London's changing Skyline, *City, Society and Culture*, **1** (2): 99-108

Tavernor, R. (2008a). *CD3/10 20 Blackfriars Road, Environmental Statement August 2008, Part 3 – Townscape and Visual Impact Assessment, Section A: Existing and Proposed Analysis*. London: Beetham Landmark Limited

- Tavernor, R. (2008b). *BE/2/E One Blackfriars Road, Appendix 1 to Rebuttal Proof of Evidence, September 2008*. London: Beetham Landmark Limited
- Tavernor, R. (2008c). *CD3/28 Environmental Statement August 2008; Part 3 - Townscape and Visual Impact Assessment; Section A: Existing and Proposed Analysis*. London: Beetham Landmark Limited
- Tavernor, R. (2008d). *CD3/29 20 Blackfriars Road, Environmental Statement August 2008, Part 3 – Townscape and Visual Impact Assessment, Section B: Cumulative 1 BFR Analysis*. London: Beetham Landmark Limited
- Tavernor, R. (2008e). *BE/2/F Appendix 2 to Rebuttal Proof of Evidence Professor Robert Tavernor, Townscape*. London: Beetham Landmark Limited
- Tavernor, R. (2008f). *Appendices to Proof of Evidence August 2008*. London: Beetham Landmark Limited
- Tavernor, R. (2008g). *CD3/30 20 Blackfriars Road Environmental Statement August 2008; Part 3 – Townscape and Visual Assessment; Section C: Cumulative 20BFR Analysis*. London: Beetham Landmark Limited
- Tavernor, R. (2007a). *Composing London Visually: Visualizing the City* (Editors: Marcus, A. R.; Neumann, D.). London: Routledge
- Tavernor, R. (2007b). Visual and cultural sustainability: The impact of tall buildings on London, *Landscape and Urban Planning*, **83** (2007): 2-12
- Tavernor, R. (2006a). *CD/2/16 Townscape and Visual Impact Assessment October 2006 Final Draft 27/10/2006*. London: Beetham Landmark Limited
- Tavernor, R. (2006b). *The Bishopsgate Tower – Environmental Statement Volume II – Conservation, Townscape and Visual Assessment*. London: DIFA Fonds Nr.1
- Tavernor, R. (2004a). On the Art of Urban Design, *Designio*, **1** (march 2004): 35-58
- Tavernor, R. (2004b). From townscape to skyscape, *The Architectural Review*, March 1 (2004): 78-83
- Taylor, David (2001). Lord Rogers' £130K role 'a good deal' says Livingstone, *The Architect's Journal*, 12 April, available online @ <http://www.architectsjournal.co.uk/> (accessed: 14/03/2010)
- Tewdwr-Jones, M. (2002). *The Planning Polity: Planning, Government and the Policy Process*. London: Routledge
- Tewdwr-Jones, M. (1997). Plans, Policies and Inter-governmental Relations: Assessing the Role of National Planning Guidance in England and Wales, *Urban Studies*, **34** (1): 141-162
- Tewdwr-Jones, M.; Allmendinger, P. (1998). Deconstructing communicative rationality: a critique of Habermasian collaborative planning, *Environment and Planning A*, **30** (11): 1975-1989

The Stationary Office (2011). *Localism Act 2011*. Norwich: The Stationary Office

Thornley, A.; Rydin, Y.; Scanlon, K.; West, K. (2005). Business Privilege and the Strategic Agenda of the Greater London Authority, *Urban Studies* **42** (11): 1947-1968

Thornley, A.; Rydin, Y.; Scanlon, K.; West, K. (2002). The Greater London Authority – Interest Representation and the Strategic Agenda, *LSE London Discussion Paper Number 8*, London: London School of Economics and Political Science

Thornley, A. (1991). *Urban Planning under Thatcherism: The challenge of the market*. London: Routledge

Travers, T. (2007). *London's Skyline: Politics, Planning and Patterns of Development, A Paper prepared for English Heritage (Draft January 2007)*. Unpublished report

Travers, T. (2004). *The Politics of London: Governing an ungovernable city*. Houndmills: Palgrave Macmillan

The National Archives (2000). *Freedom of Information Act 2000*. Surrey: The National Archives

Tokyo Metropolitan Government (2010). *Principal Policies of the Tokyo Metropolitan Government: Revitalizing Tokyo*. Tokyo: Tokyo Metropolitan Government

UNESCO; United Nations Educational Scientific and Cultural Organisation (2011). *Proposals concerning the desirability of a standard-setting instrument on Historic Urban Landscapes*. Paris: UNESCO

UNESCO; United Nations Educational Scientific and Cultural Organisation (2007a). *Report Of The Joint Unesco-Icomos Reactive Monitoring Mission To The Tower Of London & Westminster Palace, Westminster Abbey And Saint Margaret's Church , United Kingdom, 1 – 3 November 2006*. Paris: UNESCO

UNESCO; United Nations Educational Scientific and Cultural Organisation (2007b). *Decisions adopted at the 31st session of the World Heritage Committee (Christchurch 2007)*. Paris: UNESCO

UNESCO; United Nations Educational Scientific and Cultural Organisation (2006). *Decisions adopted at the 30th session of the World Heritage Committee (Vilnius, 2006)*. Paris: UNESCO

UNESCO; United Nations Educational Scientific and Cultural Organisation (2005). *Decisions adopted at the 29th session of the World Heritage Committee (Durban, 2005)*. Paris: UNESCO

UNESCO; United Nations Educational Scientific and Cultural Organisation (2004). *Decisions adopted at the 28th session of the World Heritage Committee (Suzhou, 2004)*. Paris: UNESCO

UNESCO; United Nations Educational Scientific and Cultural Organisation (2003). *Decisions adopted at the 27th session of the World Heritage Committee in 2003*. Paris: UNESCO

UNESCO; United Nations Educational, Scientific and Cultural Organisation (1972). *Convention concerning the protection of the World Cultural and Natural Heritage - Adopted by the General Conference at its seventeenth session, Paris, 16 november 1972*. Paris: UNESCO

Urban Task Force (1999). *Towards an Urban Renaissance, Final Report of the Urban Task Force chaired by Lord Rogers of Riverside*. London: Spon Press

Waite, R. (2009). Secretary of State blocks Allies and Morrison's £1bn Waterloo Towers, *The Architects Journal AJ*, 12 October, available online @ <http://www.architectsjournal.co.uk/> (accessed: 09/09/2010)

Waley, P. (2007). Tokyo-as-World-City: Reassessing the Role of Capital and the State in Urban Restructuring, *Urban Studies*, **44** (8): 1465-1490

Wass, S. (2004). *The Lord Chancellor, Department for Constitutional Affairs, Constitutional reform: the future of Queen's Counsel*. London: The National Archives

West, K.; Scanlon, K.; Thornley, A.; Rydin, Y. (2002). The Greater London Authority – Problems of Strategy Coordination, *LSE London Discussion Paper Number 7*, London: London School of Economics and Political Science

WCC; Westminster City Council (2008a). *Pre-Inquiry Statement of Case*. London: Westminster City Council

WCC; Westminster City Council (2007a). *Metropolitan Views, Draft SPG*. London: Westminster City Council

WCC; Westminster City Council (2007b). *The Palace of Westminster and Westminster Abbey including St Margaret's Church World Heritage Site Management Plan*. London: Westminster City Council

WCC; Westminster City Council (2007c). *City of Westminster Unitary Development Plan adopted 24 January 2007*. London: Westminster City Council

WCC; Westminster City Council; Gordon Chard – Director of Planning and City Development (2005). (Consultation response) *Draft Supplementary Planning Guidance London View Management Framework*. London: Westminster City Council

Weiser, M. (1994). The World is not a Desktop. *Interactions* **1** (1): 7-8

Weiss, M. A. (1992). Skyscraper Zoning: New York's Pioneering Role, *Journal of the American Planning Association*, **58** (2): 201-211

Wilkinson Eyre Architects (2008). *20 Blackfriars Road, Proof of Evidence of James Eyre OBE*. London: Circleplane Ltd

Yanow, D. (2000). *Conducting interpretive policy analysis*. Thousand Oaks: Sage Publications

Yin, R. K. (1994.). *Case study research: Design and Methods*. Thousand Oaks: Sage Publications